



## **BULKY DOCUMENTS**

**W/ Exhibits**  
(exceeds 300 pages)

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**Part 5 of 6**

**Document contains two DVD disk marked "Exhibit 34 and 35" concerning mark.**



## Spotlight

said, "We accept this from you guys. Without you, we wouldn't be here." (See related story on page 100.)

Celebrity presenters also paid homage to the stylists and artists. Steve Valentine, co-star of NBC's "Crossing Jordan," said, "There is not an actor or actress, living or dead, who hasn't had a special relationship with a hair stylist. Some have even married them."

Actress Catherine Dent said, "Thanks so much to you all for taking such good care of us at ungodly hours."

A highlight of the evening was the presentation of two Lifetime Achievement Awards — one for make-up and one for hair—announced by actress Amy Madigan.

The 2003 award for make-up was presented posthumously to Jack Pierce. Pierce, who became legendary during the 1930s and '40s for his work on Universal Studios' classic horror films, is perhaps best known for his work with Boris Karloff, Bela Lugosi and Lon Chaney, Jr. and his creations in "Frankenstein," "The Bride to the Mummy" and "The Wolf Man." "The work of Jack Pierce will never die," said Madigan.

The 2003 Lifetime Achievement Award for Hair Styling was presented to Paul LeBlanc, whose career has spanned decades. LeBlanc said, "It takes a legion of artists to do a film, and my work is always in collaboration with actors and actresses. After decades in this business, I still feel like a novice when I'm on a new film."

In addition to being the presenting sponsor of the show, JPMS also provided a team of stylists led by Artistic Director Robert Cromeans to perform touch-ups or style changes backstage in the green room and supplied products for the goody bags each guest received. >>>

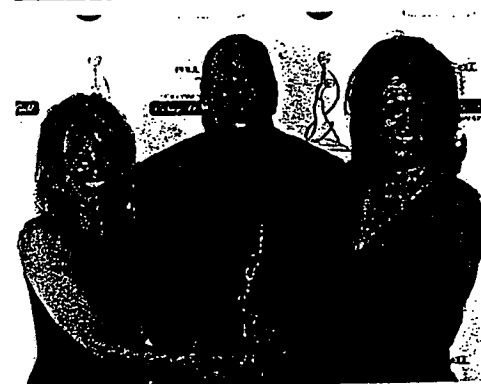
—Ronni Ross



"American Dreams" Cheri Ruff (second from left) celebrates her win for Best Period Hairstyling for a Television Series with make-up artists Kim Perrodin, left, and Angela Moos.

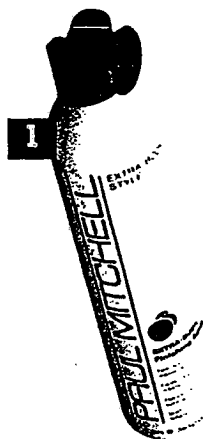


Michael Reitz (center) and the cast of "Alias" revel backstage after winning the award for Best Character Hairstyling for a Television Series



JPMS's DeJoria with Donna Gilbert and Joanne Harris, winners of the Best Contemporary Hairstyling for a Feature Film award.

# PRODUCTS



1



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8



**1. Extra-Body Finishing Spray** This spray is designed to give hair a natural-looking shine and body. It is perfect for use on all hair types and is available in a travel size.

**2. All Day Straight** This product is designed to keep hair straight all day long. It is perfect for use on all hair types and is available in a travel size.

**3. Bigsexyhair** This product is designed to give hair a sexy, voluminous look. It is perfect for use on all hair types and is available in a travel size.

**4. Deep Moisture Masque** This product is designed to give hair deep moisture and hydration. It is perfect for use on all hair types and is available in a travel size.

**5. Color Enhancing Shampoo** This product is designed to enhance hair color and keep it looking vibrant. It is perfect for use on all hair types and is available in a travel size.

**6. Vitatrex** This product is designed to give hair a healthy, natural look. It is perfect for use on all hair types and is available in a travel size.

**7. Sap Moss** This product is designed to give hair a natural, earthy scent. It is perfect for use on all hair types and is available in a travel size.

**8. Flat Out** This product is designed to give hair a flat, sleek look. It is perfect for use on all hair types and is available in a travel size.

**5. Color Enhancing Shampoo** Frédéric Fath's Color Enhancing Shampoo is a line of color-enhancing shampoos that will keep your hair color vibrant and long-lasting. The line includes three shades: Blonde, Red, and Brown. Each shade is formulated with natural ingredients to enhance the color of your hair.

**6. Vitatrex** Vitatrex is a line of hair care products that are designed to give your hair a healthy, natural look. The line includes a shampoo, conditioner, and a hair oil. Each product is formulated with natural ingredients to give your hair the best possible care.

**7. Sap Moss** Sap Moss is a line of hair care products that are designed to give your hair a natural, earthy scent. The line includes a shampoo, conditioner, and a hair oil. Each product is formulated with natural ingredients to give your hair the best possible care.

**8. Flat Out** Flat Out is a line of hair care products that are designed to give your hair a flat, sleek look. The line includes a shampoo, conditioner, and a hair oil. Each product is formulated with natural ingredients to give your hair the best possible care.

Burrelle's

The Beauty Industry Report Visit [www.bironline.com](http://www.bironline.com)

## NAHA/TSA Symposium kick off

The North American Hairstyling Awards (NAHA) and The Salon Association's (TSA) Symposium are among the salon industry's top attractions, and now that they're combined into one weekend, it's double the fun!

The new year kicked off in splendid fashion with the NAHA evening, which culminated with Rocco Campanaro, owner of Dame Academy and Axxess Salon & Spa, in Toronto, Ontario, winning the coveted title of North American Hairstylist of the Year.

NAHA also awards excellence in specific categories. The winners included:

- Avant-Garde: Bennie Pollard, Hair by Bennie and Friends, Louisville, KY
- Contemporary Classic: Hung Van Ngo, La Coupe, Montreal, Quebec
- Hair Color: Lucie Doughty, Paul Mitchell The School, Costa Mesa, CA
- Long Hairdressing: Maria Mendoza and Janie LaPrairie, JKL a Colourcutting Salon, New Orleans, LA
- Makeover: Sandi Floeck, Villa Chaivin, New York City
- Texture: Kay Matthews, Madison Avenue Salon, Seattle, WA
- North American Student Hairstylist of the Year: Stefano Narducci, Raphael's Salon & FI Academy, Toronto, Ontario
- North American Salon Team of the Year: Studio 237, Belleville, Ontario
- Master Hair Stylist of the Year: Ruth Roche, RARE Productions, New York City
- Makeup Artist of the Year: Joe Matke, Sculpt Salon, Covina, CA
- Editorial Stylist of the Year: Tony Lacey and Marian Crowell, Three-13 Salon, Marietta, GA.

The evening was a terrific trifecta, featuring a pre-show cocktail party, the awards ceremony and an after-party rap up. As BIR snaked around the room at the pre-party, we spotted Spornette International's Alan Sporn talking with his resident guru consultant Daniel Howell, BBSI's Steve Sleeper and Terri Taricco, Bob Seidel, chairman/CEO Zotos International, Katherine

Darche, H. [redacted] not sexy pair president CEO Michael O'Rourke and his VP marketing sidekick Donna Federici. Aquage duo president Dennis Lubin and the firm's creative force Luis Alvarez, who of course was dressed in blue, lots of members of the press, Wella Corporation's top management team, including Chairman Karl Heinz Pitch, Rick Kornbluth and Sebastian International president, Steve Goddard, and DermaNew's dynamic trio of co-founders Amby Longhofer and Dean Rhoades and vice president of marketing/education, John Moroney.

The 14th annual NAHAs were jointly presented by BBSI, TSA and *Modern Salon* and have a list of major sponsors, including Redken 5th Avenue NYC, L'Oréal Professionnel, Clairol Professional, Beauty Systems Group, Paul Mitchell, Aveda, Sexy Hair Concepts, Morehouse Communications, Kenra, BehindtheChair.com and Matrix. Media sponsors included *American Salon*, *Beauty Launchpad*, *Canadian Hairdresser*, *Modern Salon*, *Process*, *Salon Magazine* and *Salon Today*.

The event was hosted by Steven and Lisa Brooks, the high-energy couple who make their home in Las Vegas where their Diva Studios are the town's hot ticket salons.

In addition to the hair styling awards, Robert Lobetta, Sebastian VP creative, received the Lifetime Achievement Award and Ann Mincey, Redken's VP global communications, was inducted into the Hall of Leaders. In her 27 years at Redken, Ann has inspired thousands of stylists through education and motivational speaking and has been a great industry spokesperson. Ann told the audience that it was her faith, her family and her focus of believing in the salon industry that has guided her career. Props from BIR to Robert and Ann, two very deserving individuals.

The post-party was sponsored by Wella and Beauty Systems Group. BSG's main man, Sr. VP Jay Contrucci, assisted by John Goliher, BSG's VP full-service operations, and Sally Beauty Company's VP PR and marketing com.

winners. The event was a people-spotting scene, as we saw the two BBSI Bills (Ranney, the new president, talking with Gray, the ex-president), TiGi chief Bruno Mascolo and Thomas Reasonover, the firm's president, enjoying a cocktail. Of course, no major event would be complete without the Chairman of the Board, Sally Beauty Company's chief Mike Renzulli.

The following two days BIR did double duty between covering the TSA events and working my "day" job in one of my client's booths.

The theme of Symposium was, "Raise the tide." "A rising tide lifts all boats," said President John F. Kennedy in his quest to inspire every citizen to get involved and make a difference in society. Forty years later, more than 2,000 salon industry professionals, including 1,415 salon owners and more than 100 Beacon students — a record number of attendees — gathered to raise the tide and make waves, as they sailed through the hundreds of opportunities for education, networking, growth and change with unparalleled passion.

"The excitement of Symposium is unparalleled. Aside from the amazing educational offerings, the motivational non-industry speakers and the networking opportunities, the sheer magnitude of positive people and their radiating energy feeds the mind and spirit and challenges us to do and be better," said Melissa Chambers Yamaguchi, the first female president of TSA, who was presiding over her first Symposium. "Raising the Tide" directly relates to TSA's continued outreach with schools, chain salons, Congress, the consumer media, manufacturers, distributors and associations.

Jill Kohler, TSA's energetic and creative managing director, challenged attendees to, "Find three things to change your life and your business; find joy; and have an uninhibited moment." There were literally hundreds of life-changing moments available during the two-day event.

The Symposium is a no-B.S. learning event. With industry experts and leading stylists participating in round discussions on the salon industry.



GOLF MILL JOURNAL

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## "Summer Trends"

by Donna Orend  
Master Hair Designer  
Teddie Kossof Salon & Spa



SHUSH  
Spring is in the air and summer is right around the corner. We need to keep up with the heat and humidity that can play tricks on our hair. To fit the hair trends that work with the summer climates, think sexy-tousled hair with lots of textured layers. To make it more interesting, add a little fringe. The latest hair styles, flippy and wavy with very irregular layers, seem to work well with how hectic our lives get throughout the summer. Depending on your hair texture, it is important to choose the right products to achieve these looks.

Fine hairs work well with products such as Nollita Grit Gel, and Alterna Volumizing Spray Mousse. Work these products with either large Velcro rollers or you can enhance the "lift" by using a large round brush while you blowdry to create the flippy/textured look. Follow-up and finish your style with Tigi Bedhead Manipulator or Ariella Style Dressing.

For thick and wavy textures, to achieve a similar look, use Alterna Straightening Balm or Sebastian Laminates Gel. After working one of these products into your hair, follow-up by blowdrying with a flat brush and touching-up the hair with a flat iron after the hair is dry. Finish hair with Head Games "Messed-up Madness" to make the ends "flip out" even more.

If you are naturally curly, don't fight it! Give your hair a break and don't struggle to make it straight. For the curly look, add some Alterna Texturizing Glaze and diffuse the hair. Follow-up with Alterna Sculpting Putty to soften up the curl. Be sure not to finger through the hair. For a loose curl, towel dry hair and add Alterna Texturing Glaze and twist sections around your finger and blowdry with a diffuser. Finish by touching up the straighter strands with a medium curling iron.

Chances are summer climates and outdoor activities will cause some form of damage to your hair. You can avoid excessive damage by spending a little extra time in the salon. Arrive 30 min. prior to your next haircut appointment and request a deep conditioning treatment, and or a clarifying treatment. These services will add moisture and replace the shine in your hair. Frequent treatments will ensure and support healthier hair for the summer months.

These few tips should see you well through the summer and leave you with fond memories instead of bitter tales.

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PLUS

# SALÓN

La Revista para Profesionales de la Belleza

**Personaliza  
los servicios**  
para aumentar  
tu clientela

Las tendencias primaverales de la moda

Album de estilos: El maquillaje de René Ventura

Historias de éxito: Phytos Day Spa en Venezuela

Los nuevos productos American Classics de Wella

SH 1435

# novedades

apuntes de la  
industria



Margaret Ancira, Presidenta de Physician's Choice con Isabel Calleros, Directora de NAI.

**Margaret Ancira comparte las claves de su éxito con recién recibidos**

"Encuentra tu fuerte y hazlo lo mejor que puedas". Este fue uno de los mensajes que Margaret Ancira, Fundadora y Directora ejecutiva de Physician's Choice of Arizona, Inc., le comunicó a los alumnos recién recibidos del National Aesthetics Institute (NAI). Ancira elogió a los alumnos por su decisión de seguir una carrera en el campo de la estética, diciendo que este campo es "una puerta abierta a posibilidades ilimitadas". Agregó que "cualquiera, a cualquier edad y en cualquier etapa de su vida puede construir una carrera lucrativa y llena de satisfacciones personales en el campo de la estética".

NAI se fundó en 1997 como la primera escuela en Arizona dedicada exclusivamente a la educación y a la capacitación de los esteticistas.

Para mayor información sobre Physician's Choice of Arizona, llama al 480.946.7221, o visita [www.physchoiceaz.com](http://www.physchoiceaz.com).

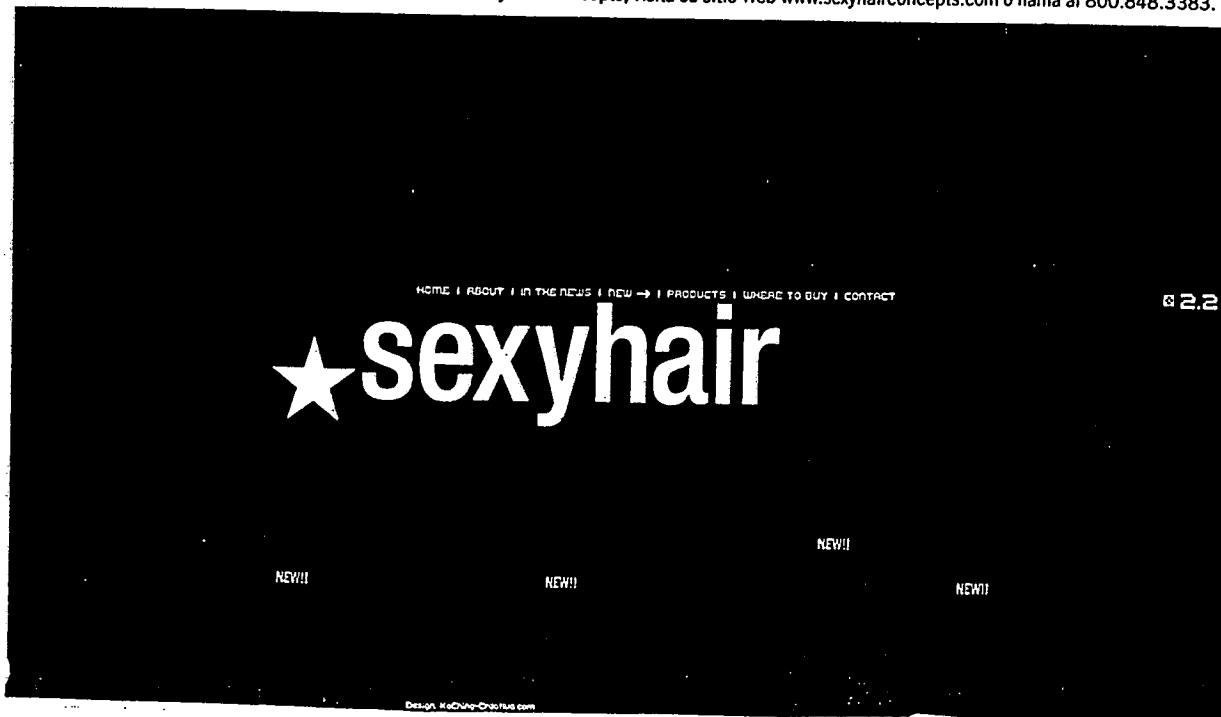
**Sexy Hair Concepts recibió un premio al diseño Web**

En octubre 2002, Sexy Hair Concepts y el grupo diseñador de su página Web, KaChing Creative, de Venice, California recibieron el *Golden Web Award* (Premio de oro al diseño Web) de parte de la Asociación internacional de diseñadores Web.

Basado en su diseño, originalidad y contenido, el sitio Web de Sexy Hair Concepts logró el nivel más alto de excelencia y recibió un reconocimiento en la categoría de belleza.

"El sitio Web es una herramienta importante para que nos comuniquemos con nuestros estilistas y con los consumidores", dijo Michael O'Rourke, estilista, visionario de negocios y Director ejecutivo de Sexy Hair Concepts. "Estamos verdaderamente honrados por haber sido reconocidos por la Asociación internacional de diseñadores Web".

Para obtener más información sobre los productos de Sexy Hair Concepts, visita su sitio Web [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com) o llama al 800.848.3383.



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Para

BEAUTY

What's Telling You in the World of Beauty

# launchpad

March/April 2005

big  
tease

the bouffant  
makes a  
comeback

SEAWEED'S  
Restorative Powers

MICHAEL GORDON'S  
Hair Heroes

FREE LAUNCH  
Your Chance to Win  
Free Products...see page 63

the best of the  
spring collections

VALENTINO



The HotSetter Fast Heat Hairsetter from Helen of Troy features 20 soft flocked rollers in three sizes for luxurious curls and volume.



Redken Spray Starch Heat Memory Styler helps retain the pattern of heat appliances.



# HEADLINES

What's taking off in hair care



Bigger and better starts with the right hairspray. Harder Firming Volumizing Hairspray from Big Sexy Hair, Kiwi Colorreflector Blaster Spray from ARtec for L'Oréal Professionnel, or Bumble and bumble Does It All Styling Spray.

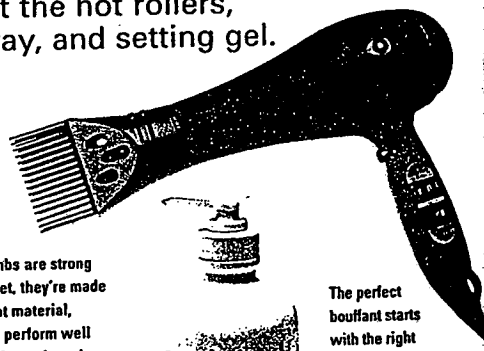
Still Life Photography: Terry Clark; Fashion Photography: Franco Rossi

## ready, set, go!

The bouffant ruled the runways for spring/summer 2003. Time to break out the hot rollers, teasing combs, hairspray, and setting gel.



From left: Redken Clean Lift Pure Volume Gel, Catwalk Frisky Scrunchy Gel with Attitude, ISO Maximize Control Extra-Firm Hold Gel, Terax Original Styling Gel, ABBA Gelsential Maximum Support Styling Gel, Johna Ultrafirm Sculpting Gel

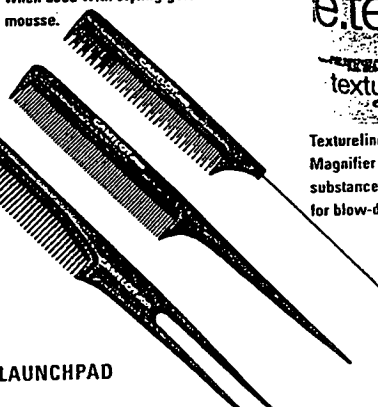


The perfect bouffant starts with the right blow-dryer. Remember Warren Beatty blow-drying Julie Christie's hair in *Shampoo*? Try the Belson Mega Hot Ceramics 1875-watt Turbo Dryer with ceramic pick, two speeds, and four heat settings.

A little dab'll do ya: Head Game Gelous Rage, I.C.O.N. Tense Hard Gel, Dikson Professional Styling Gel with Provitamin B5



Camelot teasing combs are strong yet flexible. Better yet, they're made of chemical-resistant material, which means they'll perform well when used with styling gels and mousse.



Textureline Magnifier adds substance and hold for blow-drying.

FIRST LOOK

# Accurate Cuts, accurate service at local salon

## Staff takes advantage of continuing education courses

"We have a lot of loyalty with each of our clients. Without them, we wouldn't have a career so we respect that very much. It is the least we could do to provide them with the best education we can get and deliver it back with a great hairstyle or chemical service."

351054

— Wendy Crocker  
Stylist

By Megan Friend  
E-E Advertising Staff

Accurate Cuts Etc. is a small, personable salon that does not lack in professionalism. Wendy Crocker, Redken color and design specialist, Heather Holtsclaw, certified Redken master specialist, and Melanie Walker, salon professional, stay on top of their industry by continuing education and following current trends.

The ladies at Accurate Cuts look forward to their

upcoming education over the next year. This May, Heather and Melanie are going to attend Discover 2003 in St. Louis, Mo.

"We come back with so many new techniques and new ways to texturize, color and add dimension to hair. While attending classes, we take extensive notes and are already thinking about our clients that would like to do these techniques and services. The classes are inspiring and great learning experi-

ences for all who attend. We love to go to as many as possible. You can never have too much education," said Heather.

Wendy is internationally trained and now certified in Thermal Str8 by Rusk and specializes in color, dimensional color foiling and designer cuts. Heather specializes in color, dimensional color foiling, corrective color and designer cuts and is internationally trained and certified in Thermal Str8 by

Rusk. Melanie provides the latest trends in hair color, haircuts and perms. Recently, she won first place in the local and regional VICA USA Skills competition. Melanie looks forward to attending the state competition in Oklahoma City from April 24th to April 26th. The previous competitions required Melanie to demonstrate two haircuts on a mannequin, style an updo and an evening design on a model and answer a written test.

Melanie said, "I am thrilled that I have made it this far. My goal is to take state, so I can go to nationals."

As the seasons change, the ladies of Accurate Cuts anticipate expanding their horizons and assisting their clients in changing their looks.

"Spring is a great time to go for that style or color you always wanted to try. Changing our clients look and style is only one of the perks in our business. We have a lot of loyalty with each of our clients. Without them, we wouldn't have a career so we respect that very much. It is the least we could do to provide them with the best education we can get and deliver it back with a great hairstyle or chemical service," said Wendy.

Easygoing and casual, Accurate Cuts Etc. strive to make their clients as relaxed as possible. Drinks and snacks are offered to help time-pressed clients get comfortable in the open, quiet atmosphere. Molsturtzing hand paraffins are on the house as an amenity.

Accurate Cuts' professional services aren't limited to only women. The male clientele is growing considerably. Many men come in for a designer haircut and the more adventurous men have a color service to disguise their gray for a more youthful appearance. Accurate Cuts knows how to accommodate their male clientele by provid-



Megan Friend/E-E Advertising Staff

The knowledgeable staff at Accurate Cuts continually updates its education to provide clients with the best styles. Pictured are: At right, Heather Holtsclaw, certified Redken master specialist; above, Wendy Crocker, Redken color and design specialist; and below, Melanie Walker, salon professional.



ing cable TV so they can watch their favorite game or television show.

Accurate Cuts also offer rejuvenating services such as manicures and pedicures if that is what you heart desires. The main professional services available are designer haircuts, color services, perms and facial waxing.

Professional services could not be performed without professional products. At Accurate Cuts, top-quality products are used for their services.

"We use high-quality products such as Redken, Huggle,

Maxin and OPI. But we have added new products, to make sure we are up to date."

Said Melanie:

Located at 5200 Nowata Rd., Suite C, Accurate Cuts Etc. is open from 8 a.m. to 5 p.m. Monday through Friday and 9 a.m. to 2 p.m. Saturday. Walk-ins are always welcome and services are available after 5 p.m. by appointment only. To make your appointment with Heather, Wendy or Melanie, call 331-9191 during business hours or leave a detailed message on the answering machine.



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SH 1440

SALON CITY STAR AWARDS REPORT

# WORLD BEAUTYMAKERS



Always colorful and exciting to see and visit, Dana Point and Las Vegas played host to two of the salon industry's most talked-about events: The American Beauty Association's ABBIES and The North American Hairstyle Awards. Salon City Star's editors were on hand to catch all the action, off and on the stage.

SH 1441

Salon City Star  
March/April 2003



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FOUR WAYS  
TO STRAIGHT

SH 1442

which I hope will blow you all away."

In a special presentation, Jim Cox, executive director of the American Association of Cosmetology Schools, and Frank Cacciato, CEO of Katherine Frank Creative, represented the Xenon Foundation, which is spearheading an effort to raise funds for scholarships for beauty school students. "We must support our schools to celebrate who we are," Cacciato said.

The night's final award, the Masters, was presented by Frédéric Fekkai to editorial stylist and educator Ruth Roche. "It's been said a lot tonight: It's all about breaking boundaries and going beyond fear," said Roche.

In a post-event celebration co-sponsored by Wella, Beauty Systems Group (BSG) granted Artistic Achievement Awards to all NAHA winners. Their theme, "Skill without imagination is technique. Imagination with skill is artistry," carried the essence of the evening.

The NAHA ceremony was held during TSA's seventh Symposium. This year's event was sponsored by Redken, L'Oréal Professionnel, Clairol Professional, Beauty Systems Group, Paul Mitchell, Aveda, [redacted] Warehouse Communications, Kenra, behindthechair.com and Matrix, and media sponsors MODERN SALON, SALON TODAY, PROCESS, Salon Magazine, American Salon, Canadian Hairdresser International and Beauty Launchpad. ➤

Event photography by Connie Palen.



Student Hairdresser of the Year winner Stefano Narducci of Raphael's Salon in Toronto.



Masters honoree Ruth Roche.



Presenter Andrew Bartfield of Artec for L'Oréal Professionnel looks on as Bennie Pollard accepts his Avant Garde award.



The evening's keynote speaker and sometime stand-up comedian, James Morrison.



Sally Beauty Vice President of Communications Judy Cole honors Make-up winner Joe Matke at Sally's post-NAHA party.

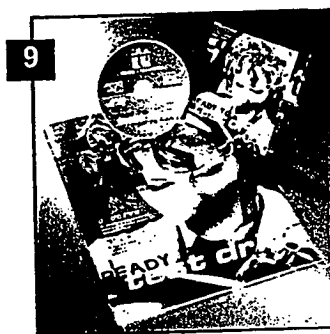


Consistent NAHA winners and now Editorial Stylists of the Year, Marion Crowell and Tony Lacey.



BBSI's Michael Toth congratulates Color winner Lucie Doughty.

# PRODUCTS



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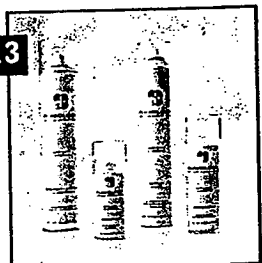


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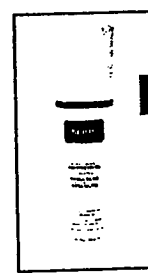
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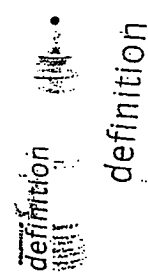
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**9. Test Drive DVD** *...the new DVD from the Test Drive series, featuring a collection of hair care tips and product demonstrations.*

**10. Blazing Color Extending Shampoo and Conditioner** *...the new Blazing Color Extending Shampoo and Conditioner, designed to extend the life of your color-treated hair.*

**11. Socolor Kixs** *...the new Socolor Kixs hair color line, featuring a variety of shades and formulas for all hair types.*

**12. Textureline** *...the new Textureline hair product line, featuring a variety of formulas for creating different hair textures.*

**13. Stylers Collection** *...the new Stylers Collection hair product line, featuring a variety of formulas for creating different hair styles.*

**14. Structure and Strength** *...the new Structure and Strength hair product line, designed to strengthen and protect your hair.*

**16. Definition Suncare** *...the new Definition Suncare hair product line, featuring a variety of formulas for protecting your hair from the sun.*



SEAN SPERRY/CHRONICLE

Jake Thompson, right, professional hairstylist from [redacted] demonstrates the effectiveness of a hairstyling product on Academy of Cosmetology student Fawn Bailey Thursday in Bozeman during an instructional visit.

# Hip hair

## Beauty school students get lessons in big, sexy hair from pro

By KAYLEY MENDENHALL  
Chronicle Staff Writer

Jake Thompson walked into the Academy of Cosmetology classroom Thursday morning to a chorus of screams and applause.

The Salt Lake City hairdresser had flown to Bozeman to surprise the students and spend a day educating them about the hippest trends in hair.

"Oh my gosh, Jake is right there," said Alexis Huyser, a student set to graduate in August. "I feel so special."

The students, many of whom saw Thompson at a Missoula hair show in April, immediately recognized his pin-striped black suit, funky hair, sideburns and goatee.

"There's no one like Jake," said Liz Welch, a hair product supplier for the school. "The students have absolutely no idea. We've kept it under wraps for two months."

Thompson is a full-time stylist, working at a salon in Salt Lake. But he also spends time educating other hairdressers about the Sexy Hair Concepts line of hair products.

Thompson spoke highly of Michael O'Rourke, a 60-something hairdresser who started the company that makes products like Big Sexy Hair, Short Sexy Hair, Curly Sexy Hair and Wild Sexy Hair.

"He has such passion," Thompson said. "He takes what he's feeling in his heart and puts it on somebody's head."

Welch said the regional director for Sexy Hair was so impressed by the Bozeman students at the Missoula show, he offered to pick up the cost of a surprise visit by Thompson to the academy.

"It really says a lot about the academy, that they are worth it to have this," Welch said.

Thompson, who has been doing hair for eight years, spent his first hour giving in-

structions on how to use products. Pulling student Fawn Bailey to the front of the class, Thompson began running his hands through her long, blonde hair.

Bailey, who is studying to be a nail technician, beamed at the attention as he applied Big Shine."

"Motivation and inspiration are always important, especially when you're in school," he said, sharing stories about his career, which started when he was a junior in high school.

The crowded room was silent as Thompson described how he used to have trouble getting out of bed in the morning, but now that he loves and values his career he jumps up to greet the day.

"We're phenomenal people," he said. "We're hairdressers who are going to change somebody's lives."

Kayley Mendenhall is at  
kmendenhall@dailychronicle.com

# ARIZONA REPUBLIC

PHOENIX, AZ  
FRIDAY 498,234  
MAR 28 2003



Buttrick's

82 1111 10 1111 GH

## TREND TRACKER



There's more to J.Lo's look at the 2000 Grammys (top left) than just the neckline of that dress.

Big hair was seen on the runway (top right) in New York last fall.

ERS 3510 SH 19 years

# Big hair

**WAIT:** Before you get too excited, don't confuse the trend in big, sexy hair with anything you did to yourself back in 1986.

This big hair is more of the voluptuous, morning-after goddess look and less of the Valley Girl mall-rat. It involves flexible gel, big rollers and a minimum of hairspray. Don't touch your crimper. Your new big hair should bounce and tumble.

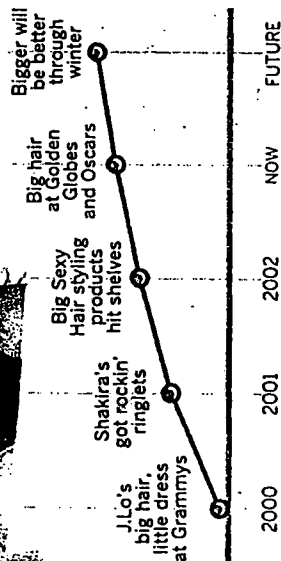
**WE NOTICED IT WHEN:** Even though everyone was talking about that Versace dress, Jennifer Lopez kicked off the nouveau bouffant look at the 2000 Grammys with the help of celebrity hairdresser Oribe.

**WE LOVED IT WHEN:** We saw it on Shakira in her *Whenever* *Wherever* video in fall of 2001. The

styling products line launched its Big Sexy Hair styling line in the summer of 2002. And so far in 2003, we've seen big hair in *Elle*, *Harper's Bazaar* and *Vogue*.

**WE COPIED IT WHEN:** We channeled our inner Brigitte Bardot when we saw big hair at the Golden Globes on Heather Graham, Beyoncé Knowles and Kate Hudson. And as if we needed more proof, the *New York Times* recently ran a story examining this Barbarella-esque trend.

**WE'LL STILL BE WEARING IT WHEN:** Every time we want to feel sexy, we'll get out the big, fat hot rollers. Jacqueline Weinstein, 33, the co-owner of Salon Clique in Scottsdale, says this is a look that works for most women because it plays up their hair's natural curl or wave.



WRITTEN BY MEGAN FINNERTY; PHOTOS FROM ASSOCIATED PRESS AND WIRE IMAGE

## FASHION

SH 1446

# Tucson Lifestyle

THE MAGAZINE TUCSON LIVES BY



## THE FASHION ISSUE

FASHION

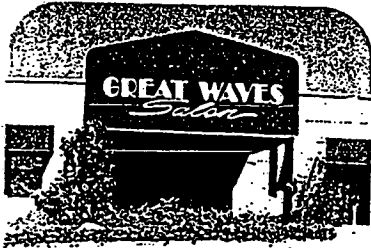
DAMENTALS

OPEN-AIR FARE



SH 1447

PERSONAL SERVICES



**GREAT WAVES SALON**  
6542 E. Tanque Verde Rd., La Plaza Shoppes  
(520) 886-5261  
Hours: T-Sat 8:30 am-5 pm;  
T & Th 8:30 am-6:30 pm  
Services: Full hair service — cuts, color, thermal  
straightening, manicures, pedicures, massage,  
microdermabrasion  
Brands carried: Abba, Tri, Artec, Matrix,  
Redken, Lanza, Frames

See ad, page 79



**MARKLEY SALON**  
614 N. Fourth Ave.  
(520) 623-3804  
Hours: M-Sat. 9:30 am-7 pm  
Services: Personal consultation, complete cut,  
curl and color hair services, lash and brow  
tinting, waxing and full nail services including  
paraffin hand wraps, aromatherapy manicures  
and pedicures, massage, body treatments,  
facials  
Brands carried: Aveda haircare, skin care, spa  
body and color cosmetics

See ad, page 43



**METROPOLIS SALON**  
6644 E. Tanque Verde Rd., Suite 101/  
268 E. Congress St.  
(520) 296-7400 / (520) 884-7400  
www.metropolistucson.com  
Hours for both locations: by appointment  
Services: Hair cuts and treatments; skin care  
including facials, massage, makeup, body  
scrubs and skin bronzing; spa pedicures and  
manicures  
Brands carried: Joico, Bain de Terre, Head  
Games, Dermactive, Beyond the Zone

See ad, page 75

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*Color Tips*  
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*Trend Report*  
*Informe sobre Todas*

*Luis Llongueras*

SH 1449

*Holiday Retail*  
*Ventas Navideñas*





-Photo courtesy of / Foto cortesía de ISO  
Hair | Cabello: Damien Carrey / Photo | Foto: Hanna Sanders

# hair straight\_talk CABELLO LACIO

EL CABELLO LACIO ADQUIERE UN NUEVO LOOK ESTE OTOÑO. EL estilo de Jennifer Aniston, en el cual el cabello es llovido pasó de moda. El volumen, el cuerpo y las líneas suaves son la nueva onda para los mechones de cabello suaves y las nuevas técnicas de corte están disponibles para ayudar a tus clientes a lograr este look.

"El cabello queda lacio, pero al mismo tiempo lo cortamos de forma tal que tenga movimiento," indicó Robert DiTacchio, miembro del equipo artístico de Sebastian. "No se ven más los cortes cuadrados y lisos. Estamos haciendo cortes con un movimiento en forma de V, que se llama corte en curva. Cortamos el cabello lacio en forma de curva y de esa forma el cabello no queda planchado. Tiene movimiento."

Colin Ford, director técnico de L'Oréal Professionnel, nota cortes más asimétricos en los cabellos lacios. El cabello tiene una sensación asimétrica, pero hay un corte definido que se aleja de los cortes de cabello corto parejos, lo cual crea suavidad en todo su largo.

"Se pueden observar líneas marcadas hacia las puntas en muchos cortes de cabello, pero estás viendo una nueva forma, formas más extremas para lograr zonas más texturizadas y suaves," expresó Ford. "Se logran formas de cortes que pasan los hombros, pero los bordes aún son marcados. No son tan cuadrados y parejos como si hubiera un solo largo. Hay una forma de rebajado que es sutil y de esa forma el cabello luce bastante delineado, pero tendrá movimiento y más suavidad."

Una de las tendencias de cabello lacio más sorprendentes para este otoño, es la actualización del mójol. En la versión del mójol inspirada en el rock, las capas más cortas se cortan dentro del cabello para lograr volumen.

"Considero que lo que más llama la atención de los clientes con cabello lacio, es que quieren obtener capas más cortas a través de la parte superior de la cabeza para obtener un mójol más atractivo," estableció Douglas Little, Director Creativo de Sexy Hair Concepts. "El cabello tiene un volumen extremo a través de la coronilla y es muy largo a través del perímetro del cabello excepto alrededor de la cara, donde tiene un contorno muy marcado."

Para lograr este look que invoca el sentimiento de Joan Jett en sus años de Heartbreaker, Sexy Hair Concepts usa una forma de corte llamado estructura y movimiento. Esta técnica necesita de tijeras que se utilizan en la parte externa de la mano, casi como si fueran navajas. Esto permite separar a las capas cortas y largas en el cabello para crear volumen y textura increíbles.

Melissa Jacqua, experta adjunta internacional de John Paul Mitchell Systems también trabaja con el look retro.

"Estamos experimentando cortes sólo en ciertos sectores del cabello, dejando el resto lacio," dijo. "A lo mejor con una coronilla más levantada como el artista retro David Bowie, o un corte más redondeado en la zona facial para revelar la atractiva línea de la mandíbula. Como resultado se obtiene un flequillo redondeado que llega hasta casi la parte de atrás

STRAIGHT HAIR TAKES ON A NEW LOOK THIS WINTER. GONE ARE the Jennifer Aniston styles in which hair hangs flat. Volume, body and soft lines are now the staple of smooth locks and new cutting techniques are available to help your clients achieve this look.

"Hair is straight, but at the same time we're cutting with movement," said Robert DiTacchio, a Sebastian artistic team member. "We're not seeing boxy, straight cuts anymore. What we're doing is cutting with a V-shaped movement which is called curve cutting. What you're doing is cutting a curve into straight hair so the hair doesn't lay flat. It has movement to it."

Colin Ford, from L'Oréal Professionnel, sees more asymmetrical cuts happening with straight hair. Hair has an asymmetrical feel to it, but there is a defined cut that moves away from the extreme bluntness of a bob. This creates softness throughout the hair.

"A lot of the hair cuts, there's often blunt lines on the bottom, but you're seeing a new kind of shape, more extreme shapes so you can get the soft, textured areas," Ford said. "You're getting shapes cut around over the shoulders, but the edges are still blunt. They're not blunt and solid as in totally one length. There's a form of layering that is subtle so that the hair looks fairly blunt, but the hair will move and have a bit more softness to it."

One of Winter's most surprising trends with straight hair, is the update of the mullet. Shorter layers are being cut into the hair to create volume in a rock inspired version of the mullet.

"I think the most shocking part of straight hair and straight hair clients, is they're coming in looking for shorter layers to be cut through the top of the head so that you're giving it a much more glamorous mullet feel to the hair," said Douglas Little, creative director for [redacted]. The hair has extreme volume through the crown and is very long through the perimeter of the hair except around the face where it's very contoured and shaped."

To achieve this look that invokes the feeling of Joan Jett in her Heartbreaker years, Sexy Hair Concepts uses a form of cutting called structure and motion. This technique calls for scissors to be used on the outside of the hand, almost like using a razor. This allows short and long layers to be spliced into the hair to create dramatic volume and texture.

Melissa Jaqua, international master associate for John Paul Mitchell Systems, also works with this retro look.

"We are experimenting with cutting only certain sections of the hair, leaving the rest straight," she said. "Maybe a spunky little sprouted crown like a retro David Bowie, or cutting the entire facial area in a soft rounded feel to reveal a beautiful jawline. The result is a fringe that travels to almost the back of the ear and is either left strong or bitten up by the razor on the edge only."

Again, this cut evokes the look of the mullet. When flat ironing hair, avoid making hair flat and flip ends out or under for a kick.

Accent these straight styles with panels of color instead of the standard highlights.

"What we're seeing is more solid color from the crown back, but in the front area there's personalization, so you're getting panels of color that create movement. It's a contrasting color that adds another character to the hair cut," Ford said.

DiTacchio said color for straight haired clients will be more tone on tone. Depending on the way hair is cut, highlights will be exposed on the bottom layers.

Jaqua said she uses a technique called straps. This incorporates the use of a small, thin strap of hair that sits in the middle of the part and the bolder color is placed in panels underneath the strap. This diffuses any harshness of the color.

For those not born with straight hair, faking it has never been easier. There is a large variety of relaxing treatments and products that can straighten hair out. L'Oréal Professionnel's X-TENSO is a long-lasting smoothing service that will take the kinks out of hair.

"X-TENSO is a great option because it allows a client to blowdry her hair smooth more easily herself. Once she has blown it dry, it will stay sleek until she shampoos it," Ford said.

This treatment is soft enough to allow the hair to wave as well. It will eliminate frizz to give greater variety to clients.

Little recommends the Yuko System, a relaxation treatment that will take all curl, wave and frizz right out of hair. It incorporates using a flat iron to smooth hair out and will leave hair looking straight and sleek even right after a shower.

For less permanent options, there are products that can achieve the same effect. Sebastian's Soy You Want Flat Hair, a soy based aerosol flattening spray that helps smooth hair before using a flat iron. Sebastian has its Laminates line that includes Laminates Drops and Laminates Gloss. L'Oréal Professionnel's Liss Extrême line of shampoos and conditioners will create sleek hair with the first shampoo. Paul Mitchell's Heat Seal will not only protect hair from thermal damage, but also acts as an anti-humidity resistant spray.

To keep these cuts looking fresh, make sure to recommend the appropriate conditioning treatments to clients. Nothing ruins a gorgeously straight style more than visible split ends in dry hair.

de las orejas y se lo deja parejo o desmechado por la navaja sólo en la zona de los bordes."

Nuevamente, este corte invoca el look del mítol. Cuando planchas el cabello, evita hacerlo de forma tal que el cabello quede llovido y dobla las puntas hacia fuera o hacia abajo.

Acentúa estos estilos lacios con mechones anchos de color en vez de crear reflejos estándar.

"Estamos viendo un color más parejo, pero en la zona frontal es personalizado, entonces se crean mechones anchos de color que dan movimiento. Es un color contrastante que le da personalidad al corte," manifestó Ford.

DiTacchio dio a entender que el color para los clientes con cabello lacio será más de tipo tono a tono. Dependiendo del corte, los reflejos se expondrán en las capas de abajo.

Jaqua agregó que ella utiliza una técnica llamada mechas. Incorpora el uso de una mecha pequeña y delgada de cabello que queda en la parte del medio y el color más resaltante se encuentra por debajo de la misma. Esto hace más leve cualquier contraste del color.

Para aquellos que no nacieron con el cabello lacio, imitarlo nunca ha sido fácil. Hay una gran variedad de tratamientos y productos relajantes que pueden alisar el cabello. El servicio X-TENSO de L'Oréal Professionnel es una técnica suavizante duradera que elimina los rulos de tu cabello.

"X-TENSO es una excelente opción ya que le permite al cliente secarse el cabello más fácilmente. Una vez que se secó el cabello con secador, permanecerá alisado hasta que se lo lave," dijo Ford.

Este tratamiento es suficientemente suave como para permitirle una ondulación al cabello. Elimina el frisado para darle una mayor variedad a los clientes.

Little recomienda el Yuko System, un tratamiento de relajación que le quitará al cabello los rulos, las ondas y el frisado. Se incorpora mediante la planchita para suavizar el cabello y lo deja lacio y sedoso aún después de la ducha.

Para opciones menos permanentes, existen productos que pueden lograr el mismo efecto. Sexy Hair Concepts ofrece Soy You Want Flat Hair, un aerosol alisador a base de soja que ayuda a suavizar el cabello antes de usar la planchita. Sebastian y su línea Laminates que incluye champús y acondicionadores crearán un cabello liso desde el primer champú. La línea Heat Seal de Paul Mitchell, no sólo protege el cabello del daño termal, sino que también actúa como un aerosol resistente contra la humedad.

Para mantener esos cortes con un look natural, asegúrate de recomendarle a tu cliente los tratamientos acondicionadores apropiados. Nada arruina el estilo lacio más que las puntas florecidas en el cabello seco.



Photo courtesy of:  
Foto cortesía de:  
L'Oréal Professionnel

# spread some holiday cheer!

## esparce un poco de alegría para las fiestas



NAUGHTY OR NICE? NO MATTER. Holiday gift sets allow everyone on your clients' list to receive the gift of beauty. Capitalize on the biggest selling period of the year with these holiday retail packages.

SEXY HAIR CONCEPTS Sexy Hair Concepts is giving away a complimentary mini can of Big Sexy Hair Spray & Play with the purchase of the full size Spray & Play or selected Sexy Hair products.

SEBASTIAN Sebastian is offering a slew of holiday gift packs and discounts that include promotions with their Shaper Mega Hold, a free Laminates Shampoo with the purchase of a Laminates Conditioner, a travel bag filled with Sebastian's hottest products: Potion 9, Wet, Molding Mud, Grease and Shpritz Forte. A special gift with purchase is also being offered with Trucco makeup.

MOP & AMERICAN CREW Score great discounts with MOP this Christmas. MOP has put together special holiday duos that include products from the body care and C-System lines, packaged in a holiday sleeve and discounted to sell. American Crew is offering the same type of holiday discount with their popular products. The Holiday Grooming Bag includes Daily Shampoo, Daily Conditioner, Firm Hold Gel, After Shave Moisturizer and Herbal Shave Cream.

MATRIX Matrix has quite a few holiday duos in shimmering packages. The Biolage Holiday duos, Amplify Holiday duos and the Sleek.look Holiday duo, offer shampoo and conditioner duos at a special holiday price.

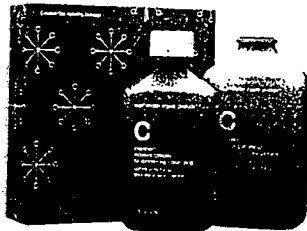
¿TE HAS PORTADO BIEN O MAL? No importa. Los juegos para regalo en éstas fiestas permiten que todas las personas en la lista de tus clientes reciban un regalo de belleza. Saca provecho durante el período de más venta del año con estos juegos para regalo de venta al por menor.

SEXY HAIR CONCEPTS Sexy Hair Concepts entrega gratuitamente una lata pequeña de Big Sexy Hair Spray & Play con la compra del Spray & Play tamaño grande o de productos Sexy Hair seleccionados.

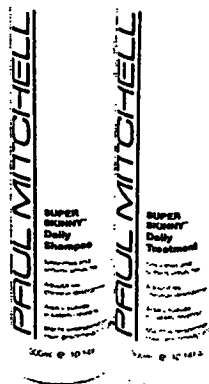
SEBASTIAN Sebastian ofrece gran cantidad de juegos para regalo y descuentos que incluyen promociones con el Shaper Mega Hold, un Laminates Shampoo gratis con la compra de un Laminates Conditioner, un bolsito de viaje repleto de los productos de más onda de Sebastián: Potion 9, Wet, Molding Mud, Grease y Shpritz Forte. Además te ofrece un regalo especial con la compra del Trucco Makeup.

MOP Y AMERICAN CREW Obtiene grandes descuentos con MOP esta Navidad. MOP ofrece unos dúos especiales que incluyen productos de las líneas cuidado para el cuerpo y C-System, envueltos en una bota navideña y con descuento para la venta. American Crew ofrece el mismo tipo de descuento navideño con sus productos más conocidos. El Holiday Grooming Bag incluye Daily Shampoo, Daily Conditioner, Firm Hold Gel, After Shave Moisturizer y Herbal Shave Cream.

MATRIX Matrix ofrece diversos dúos para las festividades en juegos brillantes. Los dúos Biolage Holiday, Amplify Holiday y el Sleek.look Holiday, ofrecen champú y acondicionador en un precio especial de Navidad.



## TOOL BOX | BOLSA DE IDEAS



### Here's The Skinny

Paul Mitchell's new 'Super Skinny' daily shampoo and treatment smoothes and softens unruly hair. Thermal protectants help fix surface damage and prevent cuticle cracking.

### Aquí Llegó el 'Super Skinny'

El nuevo champú diario y tratamiento 'SuperSkinny' de Paul Mitchell suaviza y alisa el cabello rebelde. Los protectores térmicos ayudan a reparar los daños superficiales y prevenir las grietas en la cutícula.



### A More Natural Nioxin

Nioxin Research Laboratories Inc. has re-launched their popular line of Bionutrient cleansers to make them more natural. A new botanical extraction process allows the cleansers to effectively reduce the visible affects of aging on the scalp and hair and extend the longevity and vibrancy of hair color.

### Un Nioxin Más Natural

Nioxin Research Laboratories Inc. ha lanzado nuevamente su línea popular de limpiadores Bionutrient para hacerlos más naturales. Un proceso de extracción botánico permite a los limpiadores reducir los efectos del envejecimiento en el cuero cabelludo y el cabello, así como también extender la longevidad y vitalidad del color.



### Silky Sexy Hair

Silky Sexy Hair, a new line of products that protect hair from dehydration and repel static electricity, while keeping hair luxuriously soft and smooth.

### Silky Sexy Hair

Sexy Hair Concepts presenta Silky Sexy Hair, una nueva línea de productos que protegen el cabello de la deshidratación y eliminan la electricidad estática, mientras que lo mantienen liso y suave.



### Maji.Lift Lightening System

L'Oréal Professionnel introduces Maji.Lift, an ultra-light blonding and toning system that lightens dark natural bases without brassy tones.

### Metodo Para Aclarar Cabello De Maji.Lift

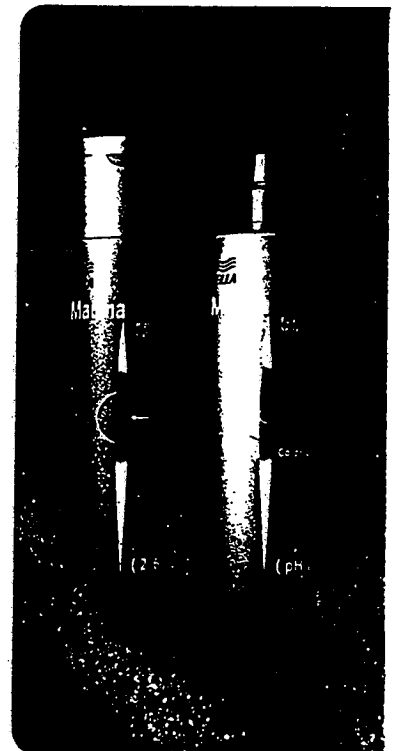
L'Oréal Professionnel introduce Maji.Lift, un método ultra aclarante para aclarar y tonificar los cabellos con base natural oscura sin dar tonos cobrizos.

### Liquid Hot Magma

Magma Ultra Lifting Powder Color from Wella makes it possible to lighten the darkest levels of natural and colour-treated hair as many as six levels while beautifully vibrant colour is deposited in one fast, off scalp process.

### Magma Caliente

El Magma Ultra Lifting Powder Color de Wella hace posible aclarar los cabellos naturales y teñidos más oscuros aproximadamente seis tonos mientras les otorga un color vibrante en un proceso rápido y sin tocar el cuero cabelludo.



What's Taking Off in the World of Beauty

# launched

November/December 2003

## HOLIDAY HAIR & MAKEUP

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SH 1454

# SOLUTIONS

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**TEX** Shine & Frizz Repair  
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Professionnel can be used on  
wet or dry hair to eliminate  
frizz and repair split ends.



**BAIN DE TERRE** Recovery  
Complex Anti-Frizz Shine Serum  
contains microscopic spheres that  
continually release rose hip and  
evening primrose oils to restore life  
and impart a dazzling shine to  
stressed hair.

## oh, behave!

Keep frizz at bay with products that get hair to  
lie down and behave.

**NE FURTERER** Anti-Frizz  
Control Emulsion with  
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wet-drying.



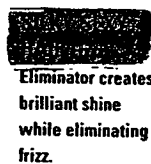
**K-PAK**  
Smoothing Balm  
from Joico  
straightens,  
conditions and  
eliminates frizz.



**MATRIX** Sleek.Look Sealing  
Serum combines three superior  
silicones for maximum  
smoothness on hair that's dry,  
damaged or chemically processed.



**ISO Tamer**  
Smoothing Foam  
Gel makes hair  
sleeker and  
smoother so it's  
more manageable  
when blow-drying  
straight or  
diffusing curls.



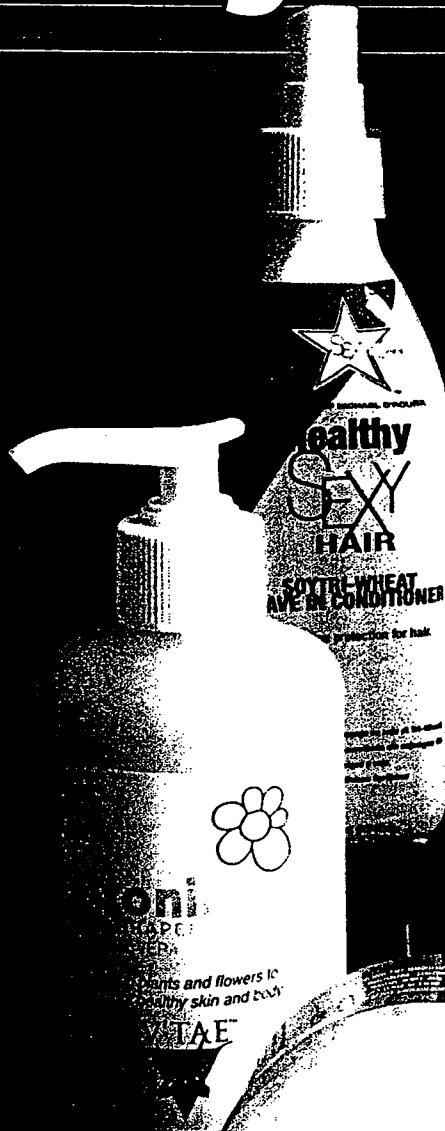
**Eliminator** creates  
brilliant shine  
while eliminating  
frizz.



Fashion Photography: Franco Rosset Still Life Photography: Terry Clark

# Food for Thought

*bib*  
healthy skin



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... nutrients of soy  
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200

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enriched with  
vitamin  
hold light

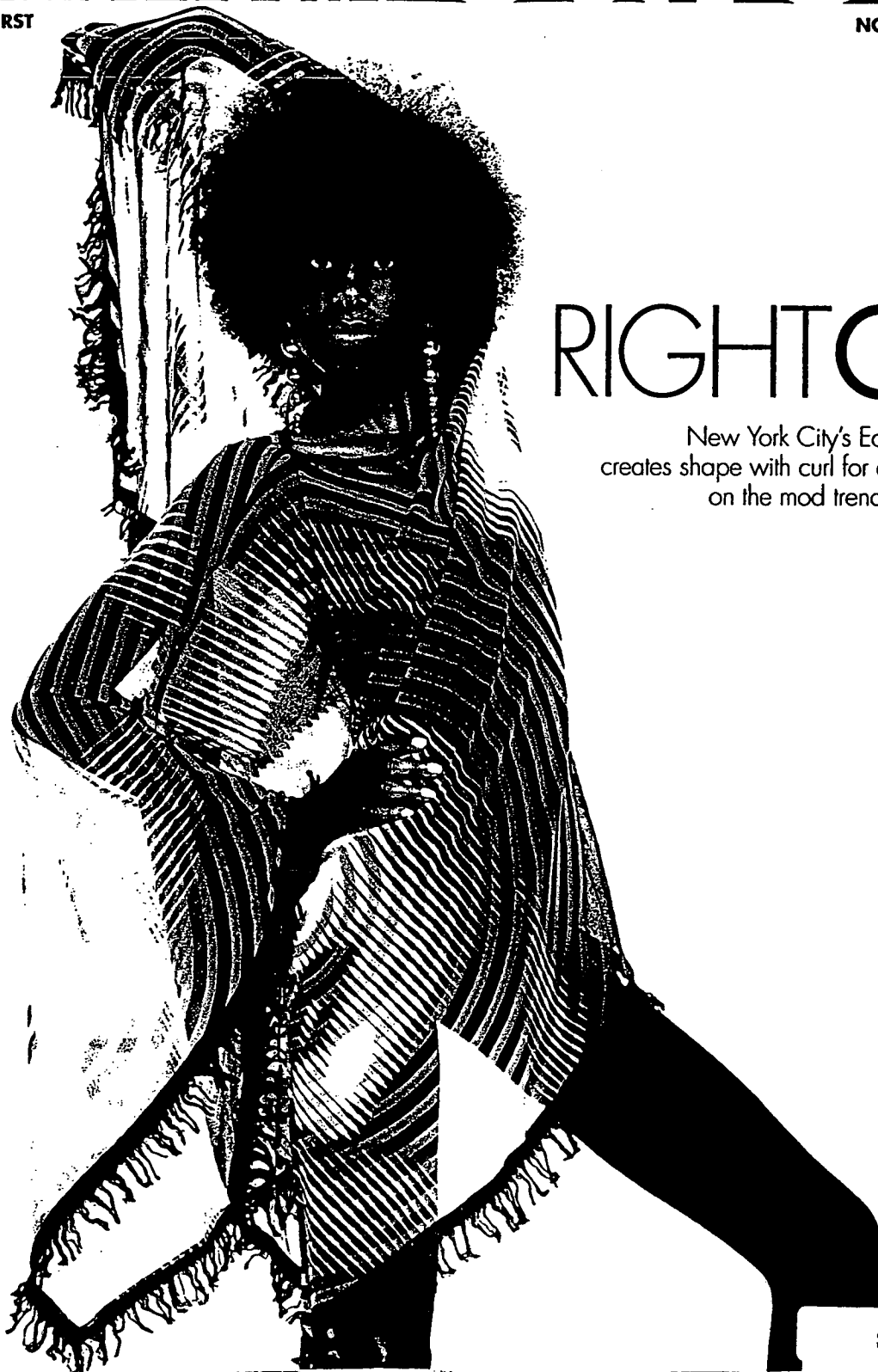
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vitalizes normal  
to oily skin with  
botanical  
essential oils.

# american **salon**

BEAUTY FIRST

NOVEMBER 2003



## RIGHT ON!

New York City's Edris  
creates shape with curl for a new twist  
on the mod trend

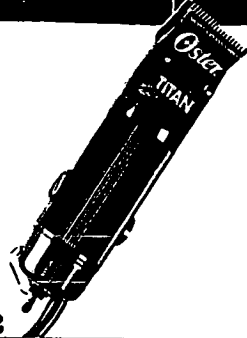
SH 1457



## SHOP



11



12



13



14



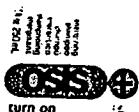
15



16



17



18

### 11 OPI

The Nail Necessities Display features 30 each large and small Glitter Files in magenta, purple, orange, silver, and gold; 6 each large and small 3-Way Buffers; 6 glittery pouches with a Nail Clipper and Cuticle Pusher; 6 individually wrapped pairs of Toe Separators; and 12 Emery Squares. Included in backstock are an additional 30 each large and small Glitter Files, 6 each large and small 3-Way Buffers, and 6 pairs of Toe Separators. (800) 341-9999.

### 12 OSTER PROFESSIONAL PRODUCTS

Oster's Titan model 76076-310 heavy-duty clipper offers a powerful dual-speed universal motor: The high speed cuts through thick, wet hair efficiently and quickly; the low speed cuts through fragile, fine hair without damaging the shaft. Strong Valax material makes the housing virtually unbreakable, and a detachable Cryonyx blade system allows quick and easy blade changing. (800) 451-5020.

### 13 BACK TO BASICS

Limited-edition holiday candles in a Holiday Spice fragrance are available from the Back to Basics line. (800) 456-9322.

### 14 TURBO POWER

The Twin Turbo 2800 is one of the most powerful dryers on the market today and will dry hair 40 to 50 percent faster than other dryers. The Twin Turbo is made in Italy and has a 2000-hour AC motor. (888) 715-6100 or (718) 961-0767.

### 15 SEXY HAIR CONCEPTS

'Tis the season for sizzling, festive styles, and Sexy Hair Concepts is giving away a complimentary mini (2.25-ounce) can of Big Sexy Hair Spray & Play Volumizing Hairspray with any purchase of a 10.6-ounce Spray & Play or one of nine other Sexy Hair Concepts products. (800) 848-3383.

### 16 YOUR NAME

#### PROFESSIONAL BRANDS

Take the hassle out of an expert result with Automatic Duo for Eyes. This sleek dual-ended pen features the company's new highly pigmented Cream Shadow on one end and a harmonizing shade of liner on the other for instant definition. The design includes a propel-repel mechanism that makes application effortless. (800) 221-3071.

### 17 NOLITA

Offer a trendy Cigar Box Purse with the purchase of Nolita Structure Gel and Nolita Whipped Wax. (800) 456-9322.

### 18 SCHWARZKOPF PROFESSIONAL

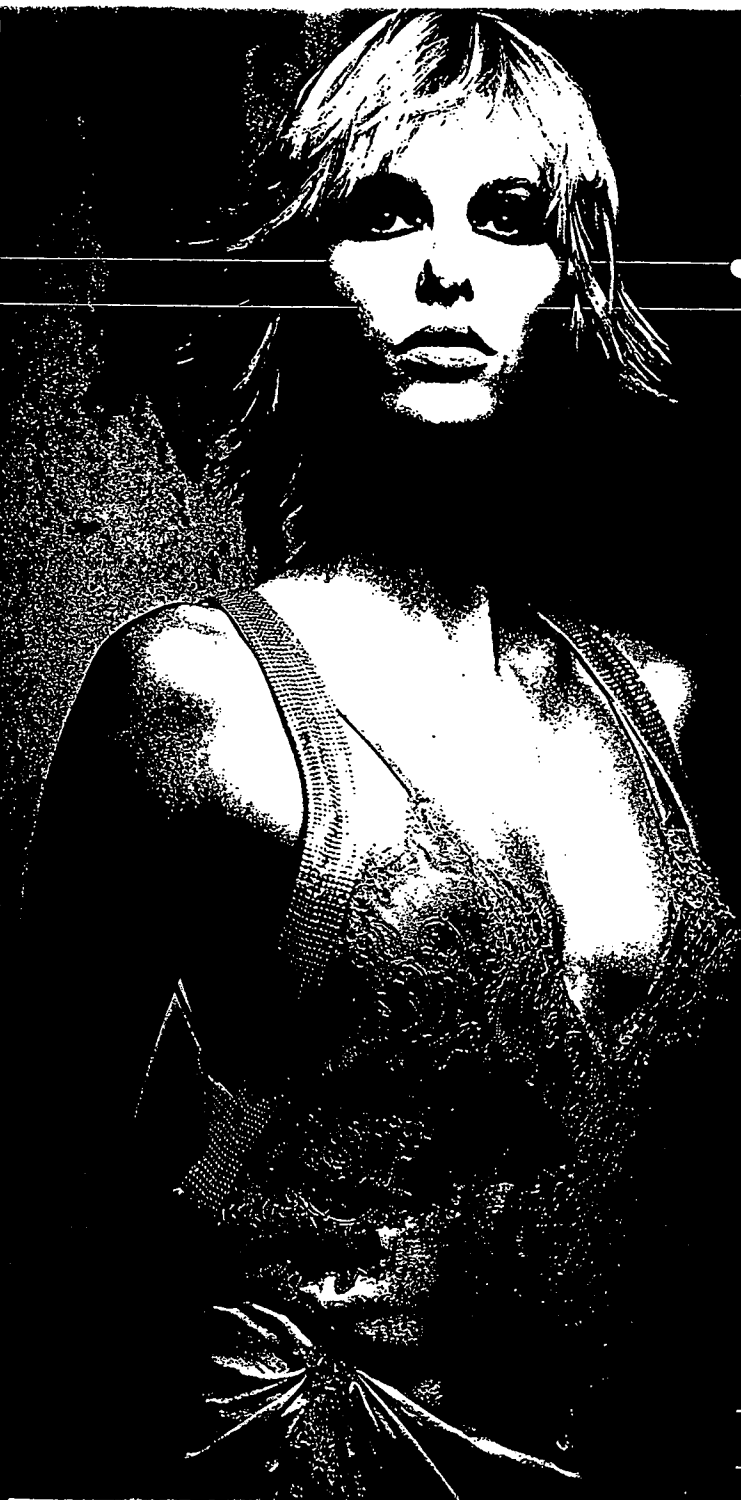
Osis Turn On Energizing Shampoo from Schwarzkopf Professional leaves all types of hair feeling sensuously soft and well-conditioned. Enhanced with soothing bamboo extract, it refreshes strands as it cleanses and restores essential, body-building moisture into the hair. Gentle enough to cleanse color-treated and highlighted hair, it also helps to prevent styling build-up. (800) 707-9997.>>

Canadian

November / Novembre 2003  
\$5.00

HAIRDRESSER

International



# Jon Paul Gives

La charité  
de Jon Paul

Idol  
Chatter  
Styliste  
Idole

Boost Your  
Nail Biz  
Dynamisez  
vos ventes  
en manucure

SH 1459

## Canadian Hairdresser Youth Initiative Scholarship Recipient

Lauréate de la bourse Youth Initiative  
de Canadian Hairdresser

Amanda Duval  
Sponsor / Commanditaire:  
Sexy Hair Concepts



Marissa Harapiak, SHC International plat-  
form artist / artiste de plate-forme SHC  
Amanda Duval,  
national sales director / directeur commercial  
national SHC

AMANDA DUVAL WAS VERY EXCITED when she heard she would be receiving a Youth Initiative Scholarship sponsored by [REDACTED].

"I really like working with their products, especially the Sexy Hair Concepts Healthy Sexy Hair Soy Tri-Wheat Leave-In Conditioner," said Duval.

She used her scholarship to attend an advanced cutting course at Suki's Advanced School of Hairdressing in Vancouver.

"The class was great because it was small and the teachers were able to watch us closely," she said.

AMANDA DUVAL ÉTAIT TRÈS ENCHANTÉE lorsqu'elle a appris qu'elle allait recevoir une Bourse Youth Initiative dont le commanditaire est Sexy Hair Concepts.

« J'adore travailler avec les produits, Sexy Hair Concepts Healthy Sexy Hair Soy Tri-Wheat Leave-In Conditioner en particulier », dit Duval.

Elle a profité de sa bourse pour assister à un cours de coupe supérieure à Suki's Advanced School of Hairdressing à Vancouver.

« La classe était formidable parce qu'elle était petite et les enseignants pouvaient nous observer de près, dit-elle. »

## ABA SASKATOON

The Allied Beauty Association recently held their complete beauty show in Saskatoon, Saskatchewan at the Prairielands Exhibition Park. Those in attendance were treated to educational performances on stages run by manufacturers such as Wella, Joico, Redken, Matrix and Schwarzkopf. Award-winning speaker, Jeff Mowatt, was at the show speaking on both Sunday and Monday on "The Art of Client Service...Influence With Ease". There were also a number of competitions including the Wella Youth Protégé Scholarship. The upcoming ABA show schedule includes stops in Montreal and Winnipeg in March 2004. Visit [www.abacanada.com](http://www.abacanada.com) or call (800)268.6644 for more information.

## ABA SASKATOON

Récemment, l'Allied Beauty Association a organisé leur foire de beauté à Saskatoon, Saskatchewan au Prairielands Exhibition Park. Les participants ont assisté aux spectacles éducatifs sur la scène, animés par des fabricants tels que Wella, Joico, Redken, Matrix et Schwarzkopf. Le conférencier primé Jeff Mowatt était au show dimanche et lundi, pour parler de l'art du service aux clients et comment influencer aisément. Il y a eu aussi quelques compétitions, y compris le Wella Youth Protégé Scholarship. Le programme de l'événement ABA comprend une visite à Montréal et Winnipeg en mars 2004. Visitez [www.abacanada.com](http://www.abacanada.com) ou appelez (800)268.6644 pour plus d'information.



## GRAND OPENING

O'Lab Coiffeur, Montreal's newest hair mecca, welcomed clients and friends to an opening party on September 15th. The 'dream come true' for partners and friends Roderigo Araneda, Sébastien Aubé and Mario Beauchèmes is a 1200 square foot

marvel of minimalism. The product mix is exclusively Colomer with Intercosmo colour and Revlon Professional care and styling.

## GRANDE OUVERTURE

O'Lab Coiffeur, la nouvelle Mecque de coiffure à Montréal, a accueilli des clients et des amis lors de leur fête d'ouverture le 15 Septembre. Le rêve des associés et amis Roderigo Araneda, Sébastien Aubé et Mario Beauchèmes a été réalisé en forme d'une merveille minimaliste de 1200 pieds carrés. Le mélange de produits est Colomer avec la coloration Intercosmo et les produits de soins et de coiffage Revlon Professional exclusivement.

## ABA DRIVES AESTHETICS

The Allied Beauty Association has put together a team to go one-on-one with some of the top players in the aesthetics industry. The team visited with more than 35 companies during the month of October in order to get the word out about the ABA and invite them to participate in Canada's largest professional beauty show.

## L'ABA SE PRÉSENTE À L'INDUSTRIE DE L'ESTHÉTIQUE

L'Allied Beauty Association a formé une équipe pour aller en tête à tête avec les meilleurs joueurs dans l'industrie de l'esthétique. L'équipe ABA a visité plus de 35 compagnies en octobre, afin de se faire mieux connu et pour les inviter à participer à la plus grande foire de beauté professionnelle au Canada.



**SEXY HAIR CONCEPTS** Sexy Hair Concepts is giving away a complimentary mini can of Big Sexy Hair Spray & Play with the purchase of the full size Spray & Play or selected Sexy Hair products.

**SEBASTIAN** Sebastian is offering a slew of holiday gift packs and discounts that include promotions with their Shaper Mega Hold, a free Laminates Shampoo with the purchase of a Laminates Conditioner, a travel bag filled with Sebastian's hottest products: Potion 9, Wet, Molding Mud, Grease and Shpritz Forte. A special gift with purchase is also being offered with Trucco makeup.

**WELLA** Wella is offering two festive promotions, one from its Liquid Hair line and the other from its Lifetex Wellness line. Featured in the Liquid Hair range are two duos. One contains Restructurizer Leave-In Treatment and Finishing Mist Finishing Hairspray and the other contains Crystal Styler Crème Gel and Wrecked Hair Gum. The Lifetex Wellness offering consists of shampoo, conditioner and the seasonally available Lifetex Wellness Body Washes and cotton loofah. With the purchase of six holiday duos, a salon will receive one holiday mirror cling and a holiday banner.

**SEXY HAIR CONCEPTS** Sexy Hair Concepts vous offre gratuitement une minicanette de Big Sexy Hair Spray & Play quand vous achetez le grand format de Spray & Play ou d'autres produits Sexy Hair sélectionnés.

**SEBASTIAN** Sebastian offrent de nombreux forfaits-cadeaux et rabais qui comprennent des promotions avec leur Shaper Mega Hold, un Laminates Shampoo gratuit avec l'achat du Laminates Conditioner, un sac à voyage rempli avec les meilleurs produits Sebastian: Potion 9, Wet, Molding Mud, Grease et Shpritz Forte. Un cadeau spécial avec chaque achat de cosmétiques Trucco est aussi offert.

**WELLA** Wella offre deux promotions pour les fêtes, une de leur ligne Liquid Hair et l'autre de leur ligne Lifetex Wellness. Deux duos spéciaux sont offerts dans la gamme Liquid Hair. Le premier contient Restructurizer Leave-In Treatment et Finishing Mist Finishing Hairspray et le deuxième contient Crystal Styler Crème Gel et Wrecked Hair Gum. Le forfait de la ligne Lifetex Wellness consiste en un shampoing et un revitalisant ainsi que Lifetex Wellness Body Wash et le loofa au coton, disponible en saison seulement. Avec l'achat de six duos de fêtes, le salon recevra un joli miroir et une bannière.

# VIPRA

SALON

September 2003  
September 2003

male call  
llamando  
al barón

SH 1462

*pale lips*  
*labios pálidos*

## American Idol

*Behind the Scenes* *lo que sucede*



#### COLOMER ARTIST HONORED

Pat Grant Williams, artistic and technical director of Colomer USA, was awarded the 2002 Multitextural Global Ambassador Award in the Chemistry and Multicultural Styling category. Williams has worked in the industry for 20 years as a hairstylist and salon owner. The award is given to beauty professionals who support diversity in the beauty profession.

#### ARTISTA DE COLORES ESTÁ HONRADA

Pat Grant Williams, directora técnica y artística de Colomer USA, fue otorgada el premio 2002 Multicultural Global Ambassador en la categoría Chemistry y Multicultural Styling. Williams ha trabajado en la industria por 20 años como estilista, peluquera y dueña de salón. El premio es otorgado a profesionales de belleza que apoyan la diversidad cultural en nuestra industria.

#### SEXY PARTNERSHIP

Sexy Hair Concepts teamed up with JCPenney salons and spas to carry the line of hair care products. The JCPenney salons will carry Big, Short and Healthy Sexy Hair products in more than 650 of their salons and spas.

#### SEXY ALIANZA

Sexy Hair Concepts se unió con los salones de belleza y spas JCPenney para empezar a comercializar su línea de productos para el cuidado del cabello. Más de 650 salones de belleza y spas JCPenney contarán con los productos Big, Short y Healthy Sexy Hair.



#### FACELIFT FOR CLAIROL

Clairol Professional has just undergone a serious facelift. An online facelift, that is. Clairol Professional has unveiled its new, updated website ([www.clairolpro.com](http://www.clairolpro.com)), which the company hopes will provide must-have information and must-try techniques for salon professionals as well as provide free monthly product giveaways for its users.

#### CAMBIOS EN LA WEB DE CLAIROL

Clairol Professional ha efectuado un cambio completo en sus páginas electrónicas web. Clairol nos anuncia ahora la dirección, [www.clairolpro.com](http://www.clairolpro.com). El sitio funciona como un servicio educativo con información y técnicas para salones profesionales, también se regalan productos completamente gratis cada mes para todo aquel que visite el sitio.



#### NIOXIN SHUFFLES THE DECK

Brian Graham, the recently appointed CEO of Nioxin, announced that Bruce Cowgill has been given expanded responsibilities with the company. Cowgill will retain his current title and responsibility of Sales, Marketing and Education, but is charged with the added responsibility of transitioning all three disciplines from predominately a domestic focus to one of global capabilities and reach.

New CFO, Dan Reed, was brought on board to oversee financing, accounting, operations, information technology, inventory management, demand planning and purchasing.

At the same time it was announced that Trevor Attenborough has been promoted to vice president of marketing. Attenborough led the successful introduction of Nioxin's new Bionutrient Formulations in 2002, and has also been an integral part in the company's management of such sales support programs as the Nioxin Global Salon Network, a salon loyalty program and Champions Circle, Nioxin's distributor sales incentive program.

Finally, the word came that Bob Burns is joining Nioxin Research Laboratories Inc. as Vice President of Manufacturing. Burns comes to Nioxin with more than 20 years of industry experience in manufacturing, operations, research and development and compliance regulation.

#### CAMBIOS EN NIOXIN

Brian Graham, el nuevo CEO de Nioxin, anunció que Bruce Cowgill ha asumido grandes responsabilidades con la compañía. Cowgill retendrá su puesto actual en ventas, mercadeo y educación pero se encargará también de la masiva transición en las tres disciplinas, con el objetivo de llevarlas de un enfoque doméstico a uno de expansión mundial.

El nuevo CFO Dan Reed ahora se encargará de supervisar finanzas, contabilidad, operaciones, informática, control de inventario y adquisiciones.

Al mismo tiempo fue anunciado que Trevor Attenborough ha sido promovido a vicepresidente de Mercadeo. Attenborough dirigió la introducción de Bionutrient Formulations de Nioxin en 2002. Attenborough ha sido un elemento integral en la administración de varios programas incentivos como el de Nioxin Global Salon Network, un programa de fidelidad para los salones, y Champions Circle, el programa de incentivos de ventas distribuidos por Nioxin.

Finalmente, Bob Burns se une a Nioxin Research Laboratories Inc. como Vicepresidente de Producción. Burns viene a Nioxin con más de 20 años de experiencia en la industria en manufactura, operaciones, búsqueda, procesamiento de información y conformidad regulatoria.



## TOOL BOX | BOLSA DE IDEAS

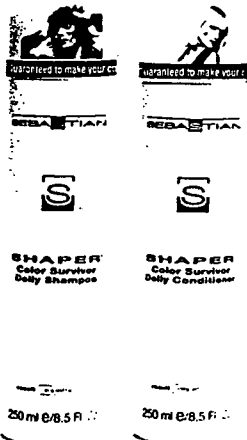


### Paul Mitchell Shines

Paul Mitchell has introduced PM SHINES Translucent Hydrating Color, a line of 20 ammonia-free, deposit only, demi-permanent hair colors. The gentle formula repairs damage and intensifies shine with soy protein and also has UV absorbers to prevent color from fading.

### Brilla con Paul Mitchell Shines

Paul Mitchell lanza PM SHINES Translucent Hydrating Color, una línea de colores de cabello semi permanentes sin amoníaco. La suave fórmula repara daños e intensifica el brillo con la proteína de soja y también tiene absorbentes ultra violeta para prevenir la decoloración.



### Dream In Colour

Sebastian International's new Shaper Color Survivor Daily Shampoo and Shaper Colour Survivor Daily Conditioner are designed to keep coloured hair vibrant and healthy, avoiding the dryness and fading associated with coloured hair.

### Sueña en Color

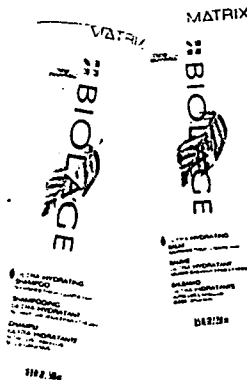
Los nuevos productos de Sebastián International, el Shaper Color Survivor Daily Shampoo y el Shaper Color Survivor Daily Conditioner están diseñados específicamente para mantener el color de tu cabello intacto, vibrante y saludable, previniendo la sequedad y desvanecida asociada con el cabello coloreado.

### Biologie

The Biologie Ultra-Hydrating System from Matrix contains a blend of conditioning agents and silicones to provide an intense dose of moisture, leaving hair with a healthy luster.

### Biologie

El Biologie Ultra-Hydrating Système de Matrix contiene una mezcla de propiedades que acondicionan, y silicona que brinda una intensa dosis humectante, dejando tu cabello saludable y lustroso.



### Revlon Realistic

Revlon Realistic is introducing a new anti-breakage maintenance line for Hispanics and African-Americans. The products include hair repair treatments, oils, shampoos, conditioners and styling gels designed to fortify and nourish the hair.

### Revlon Realistic

Revlon Realistic está lanzando una nueva línea de tratamientos para el cabello resquebrajado, para Hispanos y Afroamericanos. Los productos incluyen tratamientos para revitalizar el cabello, aceites, champús, acondicionadores y gels diseñados para fortificar y nutrir el cabello.



### VBR04 - Short Sexy Hair

VBR04 introduces three new products to its Short Sexy Hair line. Play Dirty Wax Master Dry Wax, Rough And Ready Styling Gunk and What A Body Ultra Bodifying Blow Dry Gel give all types of short hair the chance to be short and sassy.

### VBR04 Short Sexy Hair

VBR04 regala tres nuevos productos a su línea Sexy Hair. Play Dirty Wax Master Dry Wax, Rough and Ready Styling Gunk y What A Body Ultra Bodifying Blow Dry Gel. Productos que permiten que todo tipo de cabello corto se luzcan esplendidos y lustrosos.

octubre 2003  
Volumen 2 Número 10

# SAIÓ

La Revista para Profesionales de la

Belleza

Medio  
ambiente

Antioxidantes contra el  
envejecimiento ambiental

Perfiles: Backscratchers y Nexxus

Crea un estilo de vida anti-edad  
con Bio-Therapeutic

Técnica de pedicura de OPI

Academia Vidal Sassoon:  
la belleza de la precisión creativa

SH 1465



## Opciones para un cabello sedoso y con estilo

Los elegidos de las editoras

### ROCÍO DE BRILLO VIBRANTE PARA COLOR

Agrega profundidad y dimensión. Refleja la luz. El rocío es súper-fino y no deja el cabello pesado. Ideal para pelo fino.

JOICO • 800.44.JOICO  
www.joico.com

### GEL DE FIJACIÓN FUERTE

Bajo la línea Deep Brilliance, Farouk Systems lanzó este gel versátil con memoria de peinado. No se descascara y logra un brillo sedoso.

FAROUK SYSTEMS • 800.237.9175  
www.farouk.com

### EL CABELLO MÁS SEDOSO Y SENSUAL

Las proteínas de seda, siliconas y nutrientes esenciales para equilibrar los niveles de humedad y la electricidad estática. Deja el cabello suave, sedoso e irresistible al tacto. La línea se presenta con champú, acondicionador, Drench (tratamiento para cabello seco), Remedy (para cabellos tratados químicamente) y Frizz Eliminator (eliminador de enrespado).

SEXY HAIR CONCEPTS • 800.848.3383  
www.sexyhairconcepts.com

### COLA DE MODELAJE

Producto resistente al agua que aporta una fijación bestial. Se aplica sobre el cabello húmedo y luego se peina. Es ideal para formar puntas en el cabello. Crea y sostiene todo tipo de formas.

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SH 1466



# MODERN SALON

\$4.00

**CASH IN ON  
HOLIDAY STYLE**

**GET RID OF  
NASTY CLIENTS**

**RUNWAY HAIR  
& BEAUTY**

SH 1467

# PRODUCTS



**1. SILKY SHAMPOO** Transform dry, unruly hair into a silky mane with Silky Shampoo, Silky Conditioner, Drench for Dry Hair, Remedy for Chemically Treated Hair and Frizz Eliminator. **CIRCLE 200** **2. FRIZZ ELIMINATOR** Dissolve sebum and stimulate blood flow to the scalp with Scalp-Balance Pre-Shampoo treatment. **CIRCLE 201** **3. K-PAK STYLING** JOICO New to the K-Pak collection, alcohol-free Thermal Designing Foam adds volume, body and shine with a medium hold; and Protective Hair Spray functions as a working, styling or finishing spray and can be used with heat tools. **CIRCLE 202** **4. HOT DRYER** HOT TOOLS Dry hair faster with increased shine and moisture with this full-size 1,875-watt hair dryer. It includes two speeds, six heat settings and a one-year warranty. **CIRCLE 203** **5. LAMINATES** SEBASTIAN Laminates cream styler finishing product controls static, banishes frizz and provides touchable hold with intense shine. **CIRCLE 204** **6. OCEAN SEA** JOHN ALLAN Refreshing daily hair cleanser infused with marine plant extracts, sea kelp and aloe leaf juice appeals to men and women. **CIRCLE 205** **7. FINISHING GLOSS** KEUNE The lightweight finishing spray boosts natural luster and regulates moisture balance without affecting pre-applied products. **CIRCLE 206** **8. CERAMIC FLATIRON** ANDIS With a contoured handle, this iron heats rapidly and delivers consistent temperature to straighten all types of hair. **CIRCLE 207**

# new

DEDICATED TO  
REVITALIZING  
EVERY ASPECT  
OF YOUR LIFE

News anchor

## Sarah Carlson

Behind the scenes  
of her dream wedding

## WHO'S ON THE Overture Stage?

An exclusive look!

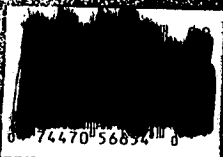
*Plus*

- Door County's treasures
- The latest trends in hair

## ANED Badger Bash

Kick off football  
season in style!

295  
Sept  
volum



SH 1469

**Nail Polish à la  
Sarah Jessica Parker**

\$15 by Lippmann Collection

Who knew that "Sex and the City's" Carrie Bradshaw had time to design nail polish? Actually, she didn't. It's Sarah Jessica Parker who collaborated on this shade, appropriately coined "Sarah Smiles." Bless her heart, it's a fine shade, one that's reminiscent of a French manicure without the white tip.

Available at [www.lippmanncollection.com](http://www.lippmanncollection.com)



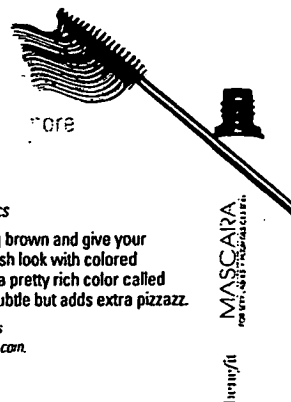
# Body Shoppe

**Colored Mascara**

\$18 by BeneFit Cosmetics

Say goodbye to boring brown and give your autumn make-up a fresh look with colored mascara. This shade, a pretty rich color called "Eggplant," goes on subtle but adds extra pizzazz.

Available at Marshall Field's and [www.benefitcosmetics.com](http://www.benefitcosmetics.com).



Shine, shimmer, glow.

**MAC Cosmetics**

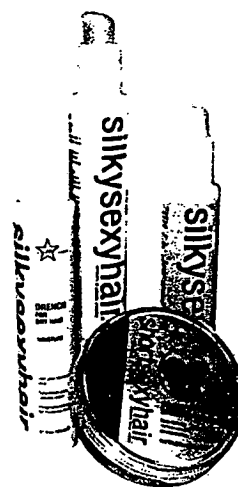
Glaze lipstick in "Mile" \$14

Lipglass in "Supreme" \$13.50

Eye shadow in "Snappy" \$12.50

MAC Cosmetics has just come out with a line of great new shades for fall including these autumn auburns. Perfectly coordinated, you can wear your lipstick alone or go for extra shine with a layer of Lipglass, one of our favorite new inventions.

Available at [www.maccosmetics.com](http://www.maccosmetics.com)  
(and we hear MAC is also coming to Boston Store!)



**Sex smells**

From \$13.95 - \$17.95  
All by Sexy Hair Products

We love hair products that leave a delicate fragrance behind. This line of products works well, and the shortsexyhair product worked great for a spiky-haired staffer. Will your hair truly be sexy? We're not making that promise. But we do guarantee that it will smell great.

Available at [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com)

## best of madison 2003!

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Downtown Madison  
23 North Pinckney Street  
608.284.1956

**CAMEO**  
SPA SALON

Great Wolf Lodge  
Resort & Spa  
1400 Great Wolf Drive  
Wisconsin Dells  
608.253.1612 or 866.333.1612

[cameospasalon.com](http://cameospasalon.com)

The exclusive salon for Charter's Main Street Makeover.  
The search for a local candidate begins soon.  
Contact us today!



America's Most-Read Young Women's Magazine

# seventeen

**GET A  
SLEEK &  
TONED  
BODY**

The Celeb Workout Tips & Tricks

**FASHION ALERT!**  
What's On Sale Now

**GUYS REVEAL...  
How to Be More  
Than Just A Fling**

Jessica  
Biel  
Her Hot New  
Movie & Look

**Fake It  
Frenzy**  
Is It Worth The Risk?

**Have A  
Great Time  
Tonight!**

**17'S EXCLUSIVE NEW  
GOING-OUT GUIDE**

**seventeen.com**

SH 1471

17 beauty school

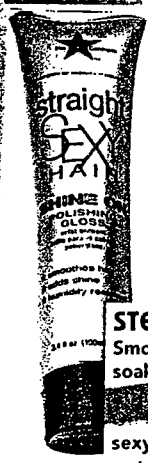


Try this plan.

Three (but no) alter



**STEP 1:**  
Shine starts in the shower. Try Multiplicity Reflect Shine Shampoo (\$11; 800-ISO-HAIR), followed by color-enhancing conditioner.



**STEP 3:**  
Once hair is dry, you can go even glossier. Swipe the surface with Umberto Giannini Gloss Cloths (\$2; Rite Aid stores).

**STEP 2:**  
Smooth silicone serum on soaking-wet strands. Try Sexy Hair Concepts (\$13; sexyhairconcepts.com).

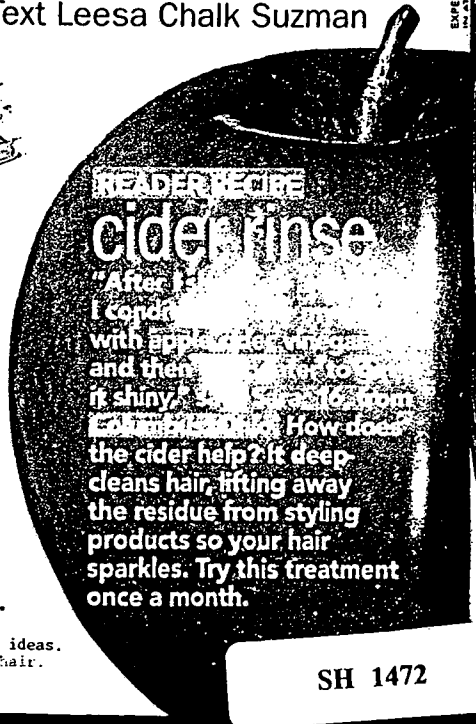
**FOR MORE GLEAM...** Get extra shine with a salon hair-glaze service. For \$25 and up, this process gives you subtle, glossy color that lasts four to six weeks. Ask for a clear glaze if you're dye shy.

HOW EAT THIS!

Eat at least five ounces of protein a day to nourish hair to shiny brilliance.



Insider tricks for giving hair shampoo-commercial shine.  
Text Leesa Chalk Suzman



**READER RECIRE**  
**cider rinse**

"After I wash my hair with apple cider vinegar and then rinse with water, my hair is so shiny," says a reader from **EXHIBITION**. How does the cider help? It deep cleans hair, lifting away the residue from styling products so your hair sparkles. Try this treatment once a month.

EXPERT: PHILIP B., BEVERLY HILLS HAIRSTYLIST AND CREATOR OF HIS OWN HAIR CARE LINE, VAN COUNCIL, OWNER OF THE VAN MICHAEL SALON

# SalonCity

STAR MAGAZINE

FALL 2003

WWW.SALONCITY.COM



SH 1473



SALON CITY STAR MAGAZINE'S ALL-STAR TOUR SPOTLIGHTS

# PREMIERE BEAUTY SHOW



SH 1474



Orlando's Premiere Beauty Show attracts over 35,000 salon professionals from across the United States and internationally. Howard Britt and team have produced one of the most fun - and exciting - events in the beauty industry. *Salon City Star* was reporting LIVE! on the Premiere Red Carpet. ★

FALL 2003

[WWW.SALONCITY.COM](http://WWW.SALONCITY.COM)

SH 1475

25

# IN OUR SALON

## RAZOR SHARP

A MOD-INSPIRED SHAPE FROM NEXXUS

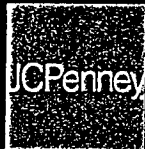
## FIND BALANCE

IN THE NEW YEAR

## TROUBLESHOOTING

HELP FOR AILING NAILS

it's all inside.



JCPenney salon

A MAGAZINE FOR AND ABOUT  
JCPENNEY SALON PROFESSIONALS

## PAMPER PATROL

HOW JCP DESIGNERS MAKE  
CLIENTS FEEL SPECIAL

SH 1476

## NEXXUS



### ROMANCE LANGUAGE

Achieve this romantic look with products from Nexxus. Use Y-Serum Younger Looking Hair Shampoo and Conditioner to increase strength and texture. Use Retextur Curl Enhancing Styler to increase curl retention, release tangles and increase manageability. Finish with a shine mist for brilliant gloss.



## MIZANI



### RIDE THE WAVES

To re-create this sexy look from TIGI, start with Self Absorbed Shampoo and Conditioner. Mist with Upright to define curls and waves. Smooth in a quarter-sized dollop of Small Talk, roots to ends, for fullness and hold. Diffuse hair until dry and finish with Hard Head Hairspray.

## TIGI



### BRIGHT FUTURE

Start the year with a fresh new look from Mizani. Begin with a Custom Blend Deep Conditioning Treatment to ensure moisture and flexibility. Set hair on quarter-sized tension mesh rollers with Conditioning Styling Lotion for maximum control and volume. Remove rollers and apply a few drops of Thermostrength Heat Activated Strengthening Styling Serum. Blow dry and round brush the style with moderate tension to remove partings and create a touchable, soft silhouette.

## SEXY HAIR



### VERSATILE STYLE

Start the New Year with this short, layered look from Sexy Hair Concepts. Spray Big Sexy Hair Root Pump Plus at the root for volume and blow dry with a vent brush, lifting at the base. Mist with Root Pump Plus and scrunch to produce a chunky, playful look. Finish with Big Sexy Hair Spray & Play Hairspray for hold and shine.



**EXTRA-BODY FINISHING SPRAY** Extra-Body Finishing Spray maintains a mane through thick and thin—thanks to a unique delivery design that dispenses body and shine with long-lasting hold. It dries instantly without weight. From John Paul Mitchell Systems.

**8 BIOLAGE FORTIFYING CONDITIONER** As part of the Biolage Fortifying Système, this conditioner bathes over-worked hair with ceramides (hair's natural intercellular bonds) and repairs weak spots. Use it with Biolage Fortifying Shampoo and Leave-In Treatment and experience as much as a 90-percent reduction in hair breakage. From Matrix.

**9 BIOSILK SILK THERAPY** Battle winter beauty woes with Silk Therapy. It smoothes parched skin and restores hair's health and shine. From Farouk Systems.

**MANIPULATOR SHAMPOO AND CONDITIONER** Wash away the daily grime! This duo adds moisture and leaves hair looking healthy and shiny. The conditioner also detangles. Enhance the senses with the great piña coloda fragrance and cool blue hue. From TIGI.

**11 ROOT PUMP PLUS** Hard-to-volumize hair comes alive with Root Pump Plus. The unique formula starts as a spray and turns into a mousse to pump up the volume. It's humidity-resistant so it keeps working even in not-so-perfect weather. From Sexy Hair Concepts.

**12 Y SERUM YOUNGER-LOOKING HAIR SYSTEM** Recapture youthful hair with this three-step hair program. It delivers youth-enhancing ingredients in three daily stages—shampoo, conditioner and leave-in spray. Dry, abused, aged locks become radiant, youthful and healthy. From Nexus Products Company.

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START THE NEW YEAR WITH THIS POWERFUL HAIRSTYLING DUO.



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Root Pump Plus with  
Spray & Play purchase

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Root Pump Plus

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Get Big Sexy Hair Concepts' #1 Selling  
Product, Big Sexy Hair Spray & Play  
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#2 Selling Product, Big Sexy Hair Root  
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### ROOT PUMP PLUS HUMIDITY RESISTANT SPRAY MOUSSE

- Maximizes volume and fullness
- Thick and heavy hair
- Holds firm hold
- Protects hair against humidity
- Use on damp hair
- Spray on roots
- Blow dry using your brush to lift hair for maximum volume

### SPRAY & PLAY VOLUMIZING HAIRSPRAY

- Moves hair effortlessly
- Creates great shine
- Resists humidity
- Use on dry hair to finish
- Spray on almost dry hair and
- Blow dry with large round brush
- For ultimate volume

SH 1479

Reminder: To achieve fabulous, voluminous styles, always shampoo hair first with Big Sexy Hair Extra Big Volume Shampoo and follow with Big Volume Conditioner.

# WWD

The Magazine

**TRENDSPOTTING,  
MOD TO MOTOCROSS**

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SH 1481



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Como latina, tengo mucho de lo que estar orgullosa.  
Especialmente mi Healthy Sexy Hair.

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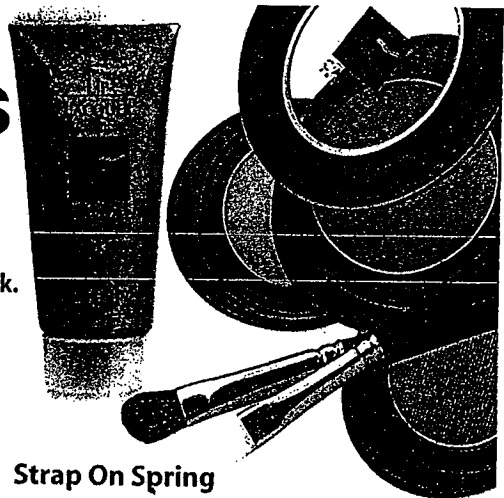
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SH 1482

Advertisement

# Tips n' Trends

Petal soft cheeks, shimmering "look at me" pinks, for Jackie O wannabes or anti-war activists. Try Barbara Guttenberg's Canvas Cosmetics Heavenly pink shadow, Jane Iredale's cream to powder blushes, our favorite Jessica's "Juicy" polish and Merle Normans "Flery Fuchsia". Be pretty in pink.



## Manicurist To The Stars

The flawless pinks. This summer paint your paws like the celebs with Jessica's custom colors in juicy, sherbet, and Gelle'. [jessicacosmetics.com](http://jessicacosmetics.com)



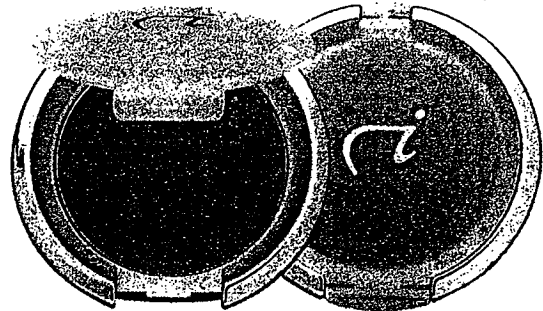
## Strap On Spring

Hollywood "it" girls are clamoring for Canvas Cosmetics blush in Whisper and shadows in Heavenly pink & Ballerina. Achieve that perfect LA pout with Baby Doll Lip Lacquer. [canvascosmetics.com](http://canvascosmetics.com)



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Jane Iredale's cream to powder blushes for cheeks, lips, and eyes in Soft Pink and Mauve Mist. Lip glosses in Pink Candy & Sugar Plum. (Shown) 1-800-817-5665 OR [janeiredale.com](http://janeiredale.com)

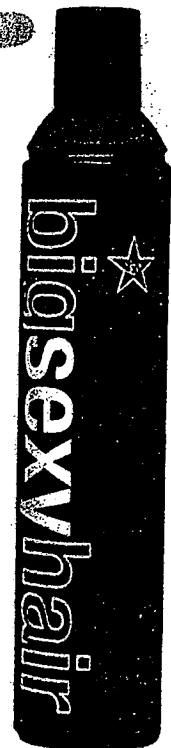
## French Twist

For lips and nails that are twice as nice, try Merle Norman Cosmetics' Kiss Kiss Lipcolor in Flirty Pink \$13 and SALON FORMULA™ Nail Color \$7 in Pink Sizzle and Flery Fuchsia. [merle-norman.com](http://merle-norman.com)



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# marie claire

## THE HAIR \* ISSUE

- 50 GREAT NEW CUTS
- 100 BEST STYLING BUYS
- + EASY, SEXY HOW-TO'S

**JAIME KING**

Addict to actress:  
a supermodel's  
struggle

**MEN CONFESS**

What they  
**really** notice  
about you  
(it's a shocker!)

Is **fat** in your  
future?

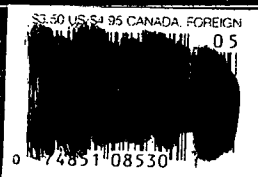
**FASHION &  
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# 738

# NEW LOOKS

SH 1484

+ best ideas for all shapes—under \$100





ask  
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**My wedding will be themed "Victorian." Could I wear modern style jewelry on my wedding day? What do I wear?**

**Jessica ~ IN**

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**What is the etiquette rule for monetary gifts at a wedding ceremony?**

**Kate~ Online**

Whenever anyone addresses a monetary representation for bridal purposes, my first answer is, and always will be, to live within your means. In my opinion, true etiquette is when you allow your heart to be your guide, because then there is true meaning behind the gift. Only you can determine the appropriate gift for people with whom you have a relationship; however, always remember to live within your means. It truly is the thought and emotion behind it that matters.

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# marie claire 411

## beauty buzz

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HAIR: PICTURE FOR ART: SHUTTERSTOCK/PIANO.COM MAKEUP: MELISSA SILVER

# The new & now

here's how

1. **healthy SEXY HAIR SOY WHEAT LEAVE IN CONDITIONER**

2. **healthy SEXY HAIR SOYSMOOTHER STRAIGHTENING TONIC**

3. **healthy SEXY HAIR SOYA WANT FLAT HAIR FLAT IRON SPRAY**

4. **healthy SEXY HAIR SOYA WANT FULL HAIR FIRM HAIRSPRAY**

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# REALWAY

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# COSMO

439

HAIR,  
SKIN &  
MAKEUP  
TRICKS

Find Your Perfect Look

The Beauty Issue

talk to your  
**crush**  
(here's how)

Be The Girl  
Everyone Loves

Yes, We Mean You!

**quiz:**  
Are You  
A Pain in  
The Butt?

MARKET  
EXTRA  
MONEY  
PAGE 120

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MAY 2003

SH 1489



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products.

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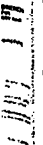


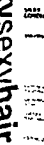

SH 1490

concepts™



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For free information write 813 on Reader Action Card

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Back Cover  
May 2004*



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because  
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# big sexy hair

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Soy good on the inside, good on the outside.

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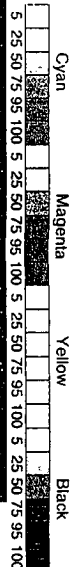
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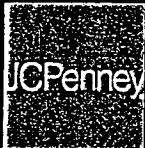
# IN OUR SALON

**RAZOR  
SHARP**  
A MOD-  
INSPIRED  
SHAPE  
FROM  
NEXXUS

**FIND  
BALANCE**  
IN THE  
NEW YEAR

**TROUBLESHOOTING**  
HELP FOR AILING NAILS

it's all inside:



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**PAMPER PATROL**  
HOW JCP DESIGNERS MAKE  
CLIENTS FEEL SPECIAL

SH 1496

## NEXXUS



### ROMANCE LANGUAGE

Achieve this romantic look with products from Nexxus. Use Y-Serum Younger Looking Hair Shampoo and Conditioner to increase strength and texture. Use Retextur Curl Enhancing Styler to increase curl retention, release tangles and increase manageability. Finish with a shine mist for brilliant gloss.



## MIZANI



### RIDE THE WAVES

To re-create this sexy look from TIGI, start with Self Absorbed Shampoo and Conditioner. Mist with Uplight to define curls and waves. Smooth in a quarter-sized dollop of Small Talk, roots to ends, for fullness and hold. Diffuse hair until dry and finish with Hard Head Hairspray.

## TIGI



### BRIGHT FUTURE

Start the year with a fresh new look from Mizani. Begin with a Custom Blend Deep Conditioning Treatment to ensure moisture and flexibility. Set hair on quarter-sized tension mesh rollers with Conditioning Styling Lotion for maximum control and volume. Remove rollers and apply a few drops of Thermastrong Heat Activated Strengthening Styling Serum. Blow dry and round brush the style with moderate tension to remove partings and create a touchable, soft silhouette.

## SEXY HAIR



### VERSATILE STYLE

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START THE NEW YEAR WITH THIS POWERFUL HAIRSTYLING DUO.



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Use Big Sexy Hair Concepts All Setting Product, Big Sexy Hair Spray & Play Hairspray and get Big Sexy Hair Concepts All Setting Product, Big Sexy Hair Root Pump Plus FREE!!

### ROOT PUMP PLUS HUMIDITY RESISTANT SPRAY MOUSSE

- Maximizes volume and fullness
- Thick and heavy hair
- Holds firm hold
- Protects hair against humidity
- Use on damp hair
- Spray on roots
- Blow dry using vent brush to lift hair for maximum volume

### SPRAY & PLAY VOLUMIZING HAIRSPRAY

- Holds hair full flexible hold
- Shields hair from humidity
- Shields hair from humidity
- Use on dry hair to finish
- Spray on almost dry hair and blow dry with large round brush for ultimate volume

SH 1499

Reminder: To achieve fabulous, voluminous styles, always shampoo hair first with Big Sexy Hair Extra Big Volume Shampoo and follow with Big Volume Conditioner.



**IN** OUR SALON

**STYLE BONUS!**

TWO UPSTYLES  
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FOR THE NEW YEAR

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CERTIFICATES

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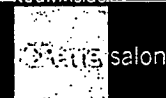
A MAGAZINE FOR AND ABOUT  
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**JINGLE**

MAKE THE MOST  
OF HOLIDAY SELLING

SH 1500

it's all inside

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STEPHEN LEGGIERO

Divisional Vice President and  
Director of Styling Salons**EDITOR-IN-CHIEF**

PAULA MALLOY

**JCPENNEY CONTRIBUTORS**DIANE HUBBARD,  
DEBBIE MARTIN, SUSAN MEYERS,  
TERRI SPIELBERGER, MELISSA SVARBRICK,  
JESSICA TEDESCO

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**CUSTOM PUBLISHING DIVISION****EDITORIAL**MICHELE MUSGROVE Editorial Director  
JACQUELINE SUMMERS Editor  
GRETCHEN KISH SERRANO Art Director  
DEBORAH OGILVIE Managing Editor  
ELIZABETH YONG Production Editor**CONTRIBUTING WRITERS**

KATE HAHN, ROSANNE ULLMAN

**ADVERTISING**ROBERT B. BELLEV  
Vice President/Publishing Director

PAUL R. AMYOT

Eastern Region 212-682-7777

GREGG MCCONNELL

Western Region 805-498-3475

SHERRY FISHER

Manager of Business Operations  
847-634-4338

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Stephen Leggiero  
Divisional Vice President  
and Director of Styling Salons



**D**ear JCPenney Salon Associate:

This is a very important and exciting time of year in the salon. As beauty professionals, I urge you to seize the opportunities that come your way in November and December:

**Clients are Celebrating!** From office holiday parties to festive family get-togethers, this is the time of year when your clients are dressing up and stepping out. Why not take advantage of the glamor of the season? Whether she's the elegant, uptown type, or a busy, down-to-earth mom, there's a way to lift every client in your chair out of the "everyday."

Two of our artistic contributors this month—Maureen McCarthy of Paul Mitchell and Douglas Little of Sexy Hair Concepts—present a pair of great-looking upstyles that can transform your clients' holiday looks. They're quick and easy, and they're sure to solidify your role as your clients' preferred beauty advisor. (The how-tos start on page 38.)

*Upstyles can be quick  
and easy, and they're  
sure to solidify your role  
as your clients' preferred  
beauty advisor.*

What if she isn't the updo-type? You can always offer a fashionable texturizing set or a permanent or temporary smoothing service to make her party style special. And don't forget—recommending the styling products necessary to support these styles can really provide a boost to holiday tickets.

**Clients are Shopping!** Right now your customers are hunting for gifts for a long list of family members, friends and acquaintances. Like all of us with busy schedules, though, their shopping time is limited. That's where you can help. JCPenney salons are offering a number of unique holiday gift items that are just perfect for mom, daughter-in-law or a favorite teacher. (See them on page 34.)

Clients can also pick up JCPenney holiday gift cards in any denomination, good for a post-holiday manicure, pedicure, cut, color or any other service they wish. And of course, you can always recommend gift baskets containing home hair care favorites. It's a great way to help customers (and potential customers) stock up on their beauty essentials for the New Year. It's also an excellent opportunity to introduce new products into their existing beauty routines.

On behalf of all of us here at the home office, we hope that this season brings you many opportunities to serve your clients and to profitably complete your year. Here's to a successful holiday and a very healthy, happy New Year to you and your families.

Stephen Leggiero  
Divisional Vice President  
and Director of Styling Salons

## Style Points

**W**hen your clients book appointments for special-occasion styles this season, they want just that—a special look that they can't create at home. Dazzle them with your styling skills and they'll be hooked. Before you know it, you'll become part of all of their pre-party plans.

Here are some tips from Sexy Hair Concepts' Creative Director Douglas Little for creating a flawless finish every time. (For more of Little's work, see page 42.)

### BLOW DRY BASICS

- As you work, leave your brush in the hair for a moment or two after you dry each section. This allows the hair to "set." Says Little, "Think of finishing like ironing a shirt. You dampen the fabric, iron and then you have to let it cool, otherwise it will wrinkle again. The same goes for hair—it must cool in order to hold its shape."
- Always work from top to bottom as you dry each section. The air from the dryer will flatten the cuticle and the hair will look smooth and shiny.
- Try this novel round-brush setting strategy: Grab a brush, roll up a section of hair, dry it and leave the brush in the hair to set. Alternate from side to side until the entire head is complete. Says Little, "You'll get a cross between a round-brush finish and a roller set in very little time."

### IRON WORKS

- When working with your flatiron, your comb is essential. Place it directly beneath the iron and move the two in tandem along the strand. The comb will eliminate any chance of errant crimps or crinkles.
- To avoid bumps or skips, apply ample, even pressure with the iron, scalp to ends.

### ROLLING ALONG

- To make roller or curling iron sets look modern, try mixing it up a bit. Wrap some sections off-base, use over-direction for others, vary roller or iron sizes throughout the head. The result will be tousled and sexy as opposed to stiff or formal.

Photo by Angus Ross.



Sexy Hair's Douglas Little earns extra points for this sleek style.

Finally, notes Little, your choice of products is critical. "You must select setting preparations that will work with heat, lock out humidity, keep hair flexible, and provide the right amount of hold," he explains. Two to try: Sexy Hair's Spray and Play and Spray and Play Harder.

### FIVE WAYS TO DO MORE WITH DOWN TIME

How do you spend your free time in the salon? If you're flipping through old copies of *Cosmopolitan* and chatting on your cell phone, you may not be making the most of it. Here are five downtime strategies that really pay off:

**Practice makes perfect.** If you're struggling with bobs or fumbling with foils, grab a mannequin head and go through the motions.

**Watch and learn.** Head over to the station of someone who has mastered the technique you have always wanted to try and offer to assist her. As you do, observe the way she stands, moves and works.

**Pitch in.** If someone on the staff is running late, help her out by shampooing her client. You never know when you might need somebody to return the favor.

**Say thanks.** Everyone loves a show of appreciation, so sit down and write thank-you cards to all of your clients. With all of the junk mail that arrives each day, a handwritten note will be noticed and welcomed.

**Head to the mall.** No, we're not talking about shopping. The mall's a great place to hand out your business card, along with a \$5-off coupon. Target sales clerks and restaurant staffers ... they see (and are seen by) hundreds of people each week.

# IN

STYLES

## FAROUK



### EXTREME STYLE

Reach for BioGlitz No Ammonia Color from Farouk to produce a kaleidoscope of shades with one application. Smooth strands with the CHI Ceramic Iron and maintain hair health with the CHI Transformation Home Support Kit. Together they combine Ceramic Technology with silk proteins, amino acids and cationic hydration interlink to create soft, silky, straight hair.



## MIZANI



### SUPER NATURAL

This neat contemporary afro from Mizani puts the face in focus. Shampoo natural tresses with Purifying Shampoo to remove gels and waxes. Condition the scalp with Rose H<sub>2</sub>O. Apply Styling Gel to define natural texture and curl and to add shine.

## SEXY HAIR



### BEEN BAD OR GOOD?

Keep 'em guessing with this stylish tousle from Tigi. Start with Moisture Maniac Shampoo and Conditioner. Apply Control Freak Serum from roots to ends to guard against thermal heat and control frizz. Spray a small amount of Control Freak Extra Straight on each section as you blow dry. Finish with After Party to smooth flyaways and add shine.

## TIGI



### BIG AND SEXY

Sexy Hair pumps up holiday style. Prep with Big Sexy Hair Shampoo and Conditioner; follow with Healthy Sexy Hair Tri-Wheat Leave-in Conditioner. Apply Root Pump Plus to roots and blow dry while lifting hair to increase volume and dimension. Use a medium-sized round brush to impart polish and bend to the ends. Flip It Over Full and Wild spray provides dramatic separation and Spray and Play Harder secures the style.

Add 1 part Spray & Play Volumizing  
Hairspray to 1 part Big Shine -  
Shine-Spray for fabulous hair!

SPRAY & PLAY HAIRSPRAY



BIG SHINE - SHINE SPRAY

FAN MAIL

sexyhair



**sexy**

THAT'S WHAT!



SH 1504

Sold only in Professional Salons. ©2003 Sexy Hair Concepts Los Angeles, CA 91311. For more information please visit [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com) or call 1 800 848 3383

# Sleek and Chic: A Classic Upstyle With A Modern Spin

**C**lassic, elegant hairdressing never goes out of style. Ever since Audrey Hepburn appeared onscreen in her famous "Breakfast at Tiffany's" upsweep, clients have equated the look with sophistication. This season, says Sexy Hair Concept's Douglas Little, fashion is revisiting this feeling he calls "forgotten elegance." That means many clients will turn to you for something chic and special for holiday celebrations.

"This look is timeless," notes Little. "It's perfect for any client of any age." He adds. "You can achieve it on many hair lengths. Our model's hair is much shorter than you would expect for a style like this. So don't rule out a dramatic updo if your client doesn't have extremely long hair."

Little identifies two important elements to consider when designing special-occasion styles. First, they must be an extension of your client's personality. For example, if she's a free-spirited creative type, opt for a looser, more tousled approach. If she's always in command and likes everything just so, she'll probably be most comfortable with a neater, sleeker style.

WHEN IT COMES  
TO SPECIAL-OCCASION  
STYLING, THE HOLIDAYS  
ARE A GREAT TIME TO  
GO FOR GLAMOUR.

Next, says Little, be sure your finished style has a uniquely modern edge. "This can be achieved in several ways," he explains. "By using modern products, you get the hold, cohesion and texture you need to make upstyles look fresh." Color is another way to put a fresh spin on style. Finally, think about details. "Here for example," says Little, "a deep side sweep evokes a very hip retro feeling, which is right in line with all of the 'Mod' influences we're seeing today."

Finally, don't hold yourself back from creative brainstorming. Remember, says Little, your clients are looking to you for style direction. "They want your input and ideas," he says. "So be prepared to show them new options and techniques. If you do, you become a fashion leader. If you don't, they might go somewhere else." ►

Style by Douglas Little,  
Creative Director, Sexy Hair Concepts





SH 1506

# Sleek and Chic: A Classic Upstyle With A Modern Spin

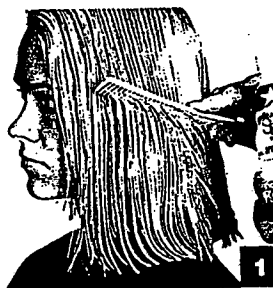
**BEFORE**



Since this client has a lot of natural texture and movement, her hair must be smoothed to achieve the sleek updo she has requested.



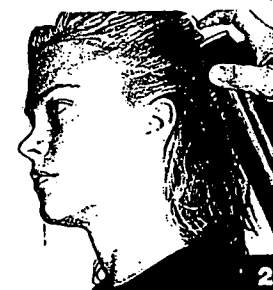
Return to the nape and round brush each section, bending the ends under as you work.



Taking small sections, spray Soy Tri-Wheat Leave-In Conditioner on damp hair to protect, condition and create a strong, supportive base. Comb through.



Return to the front section. Using a vent brush lift these sections and direct the airflow to the roots to create lift and volume.



Re-section as before and apply Root Pump Spray Mousse. This will give the hair volume and grip without stickiness.



Apply Big Shine, a dry silicone spray, to large sections and flat-iron each section scalp to ends. Continue working throughout the entire head in this manner.



Beginning at the nape, dry the hair section by section with a vent brush. Move the brush along the section in tandem with the nozzle, touching the surface of the strand with the dryer. Direct all hair back and off the face.



Bend the client's head forward and apply Flip It Over to the roots. This working spray creates additional volume and texture.



Create two vertical partings from each side of the nape to the crown and lift the section in the center straight up.

8



In front, create a deep side part, then move to the top. Begin drawing the crown sections toward the center back, drape them over the previous sections and pin.

13



Secure the section with two sets of interlocking bobby pins, as shown.

9



Tuck the ends of the top side section through and under the top, draped sections.

14



Create a diagonal section off of the original parting, at the center of the head.

10



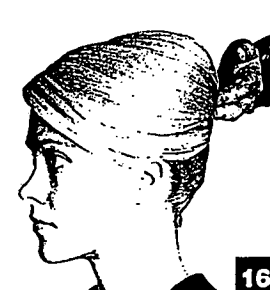
Continue working on each side, draping and pinning as before.

15



Direct the section across the head and secure with a pin.

11



When all of the hair is secure, spray with Spray and Play Harder and Big Shine for hold and polish. Lightly smooth any stray or flyaway strands with your comb or your hand.

16



Continue working side to side in this manner, overdrawing and pinning, until the sides are completely swept up and secure.

12

Dispensary:  
Healthy Sexy Hair Soy Milk Shampoo,  
Conditioner and Soy Tri-Wheat  
Leave-In Conditioner; Big Sexy Hair  
Root Pump Volumizing Spray Mousse;  
Flip It Over; Spray & Play Harder Volumizing  
Hair Spray and Big Shine  
Shine Spray, all by Sexy Hair Concepts.

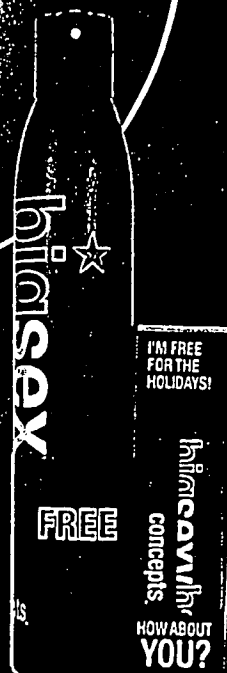
Photography: Angus Ross  
Make-up: Patrick Turney, Celestine Agency  
Fashion: Courtesy of JCPenney

# sexy

Sexy Hair Concepts presents its two top products -  
With the purchase of Big Sexy Hair Root Pump  
Plus, a mini Spray & Play Hairspray is  
**FREE** for the holidays!



Be sure your clients go home with a full-size can of Spray & Play along with this free mini. They will love it so much, the purse-size won't last long unless they have the full-size can on their vanity.



1  
2  
3

Warning: Big Sexy Hair users may experience excessive compliments and inflated self-esteem.

4



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SH 1509



**7 BIONUTRIENT PROTECTIVES CLEANSERS** Reformulated Actives and Protectives Cleansers are cold-filtered and use a triple-action process to maximize the natural effectiveness of essential herbs. They reduce color fade and safeguard the scalp from chemical services. From Nioxin.

**SMOOTHING BRUSH** This ergonomically correct handle design provides comfort for hands and wrists. The boar/nylon mixed bristling promotes shine and is fashioned into a soft cushion pad for ultimate scalp comfort. From Cricket.

**9 GLOSS DROPS** Go for a silky smooth finish with this weightless defining polish that's ideal for all hair types. The anti-humectant formula controls frizz and resists humidity while providing separation and long-lasting shine. From John Paul Mitchell Systems.

**10 BIG SHINE SHINE SPRAY** For the finishing touch, this non-greasy, weightless shine spray won't downsize big style. Convenient purse-size makes it easy to produce sexy style on the go. From Sexy Hair Concepts.

**CHI TRANSFORMATION HOME SUPPORT KIT** This is how clients maintain their straight, soft, smooth styles at home. The kit contains Transformation Shampoo and Conditioner, Keratin Mist and Silk Infusion. Together the products work as a system to provide the perfect balance of moisture for softness and proteins for strength. From Farouk Systems.

**12 DESIGN & SHINE GIFT SET** Create great style every day of the year. Kiwi Colorelector Design & Shine gift set pairs Piecing Paste and Blaster Spray for color-treated hair.

**13 AMPLIFY ROOT LIFTER** Turn up the volume, add body and thickness where hair needs it most—at the roots. A targeted applicator makes it easy to apply the weightless, humidity-resistant formula. From Matrix.

SH 1510

Client Control

# SEXY HAIR IS FRESH HAIR

Sexy Hair Concepts is turning the world of beauty upside down with high powered marketing and advertising looks

Winner Nail Look:  
Contessa Awards

## My Secret Nails

**OP1**—At this magical time of year, the spotlight shines bright on Holiday on Broadway, all-star selection of eight nail lacquers based on hit Broadway musicals. Multiple, micro-thin layers of metal give *Rent* its pale white shimmer, *Man of La Mancha* its vivid, passionate red, *Moulin Rouge* its brilliant lavender, and *Thoroughly Modern Millie* its thoroughly girlish pure pink glitter. Other specialties include Opening Night Gold and SRO Silver. However you set your stage this season, your beautiful Broadway nails are sure to bring you beaus! ★

Everyone likes a little special attention now and then—even Fido and Bootsie. Now you can pamper your pooch and pussycat with **OP1's** hot new Pawlish! Nail Polish for pets. Can French tips and dyed-to-match fur be far behind? ★

**Creative Nail Design** is out to prove the old adage that opposites attract. For Spring, 2004, **CND** is introducing two distinctly different styles that couldn't be more contrary—or more appealing. If the lavish glamour of *The New Romantics* line isn't your thing, then you'll get a kick out of the hot party colors of the **HOT POP Flip-Flop** palette, including attention-grabbing, creamy rich hues of pink, blue, yellow, red and orange. Mix-and-match these colorful enamels—for example, pink nails with yellow tips—for an even bolder, more individualized look. ★

Go beyond beautiful-looking nails with **Star Nail's** new **Scentuals Nail and Cuticle Oils**. These eight luscious fragrances will allow you to indulge in a mini-aromatherapy treatment while you're conditioning your cuticles. Make sure you book an appointment now at your favorite nail salon—and find out which new look will look great on you! ★

salon city.com

**CHATSWORTH** - Who would have ever thought that a name like Sexy Hair would become one of the hottest hair care manufacturer in the professional salon industry?

At least one person did, and that was Michael O'Rourke who founded the company (originally called Ecoly International) in 1992. The company's name was changed in 2000 after the extremely successful introduction of a number of hair care lines under the Sexy Hair Concepts theme - and the rest, as they say - is history.

Prior to founding Ecoly International, O'Rourke owned and operated a successful salon

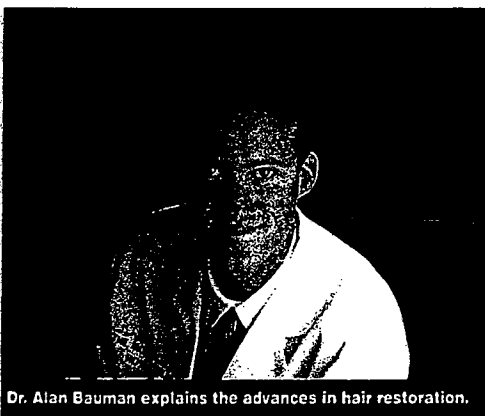
chain of 35 salons in South Africa and, after his arrival in the United States, established the Carlton Hair Care and Hair Health and Beauty Stores in Southern California, a chain of 30 salons and stores.

In 2000, Sexy Hair Concepts was reported to be the fastest growing company in the industry, with products selling in 60,000 licensed salons throughout the United States and distributed worldwide in more than 20 countries. Its corporate headquarters are located in Chatsworth (outside Los Angeles). With their newest line, Fresh Concepts, who knows what's in store! ★



Sexy Hair Concepts model sports the before and after look.

## Bauman Medical Group aligns with salons to offer their male clients top new hair restoration services



Dr. Alan Bauman explains the advances in hair restoration.

**BOCA RATON, FL** - "Today, hair loss is not inevitable—it's optional!" So proclaims the web site for Bauman Medical Group, located in Boca Raton, FL. Dr. Alan Bauman is the Founder, Medical Director and Chief Surgeon of the firm, which deals exclusively with male and female pattern hair-loss. He has been featured on Fox-TV and CNN,

and is the author of several textbooks, as well as numerous articles aimed at both the public and the medical community.

Because hair-loss is a huge concern for men, *Salon City Star* spoke with Dr. Bauman to find out what's changed in the last few years to make such an exciting statement possible. "The biggest factor is that there is safe and

effective treatment out there," he says. "We now have the technology and tools to not only stop the hair loss process, but also restore the 100 percent noticeably natural living and growing hairline. That's a major breakthrough, and men love this!"

"We're moving away from terms like 'transplant' and 'plugs' and into a whole new realization and look. What we are accomplishing today with transplantation we weren't even dreaming about 10 years ago. And the techniques I use routinely on a daily basis were not even around five years ago."

It used to be that just thinking about the expense and discomfort associated with hair restoration treatments was enough to make your follicles fall out.

Now, a variety of financial plans help ease the burden on the bank account. "The average guy can now afford these services," insists Dr. Bauman.

"Think about it. Should you get a BMW that you have to give back in five years, or have hair that you can live with a long time?"

"Also, the whole process and relationship is more personal and comfortable for men to handle. We can get results in less time, with less surgery and less investment. This means a lot to a guy. In the past, we might have to charge \$10,000 and guys would need up to 4000 grafts. Today, the average is two sessions and we usually reach our goal. It's now a lot easier and faster."

For Dr. Bauman, the biggest payoff is being able to merge technology and artistry to improve someone's life. "My dad always said to me if you find something you love to do you never have to work a day. That's the way I feel about hair restoration. What's exciting me is that we can use our tools in artistic ways, like creating wavy hairlines and turning back the clock of time. We are really there for these guys, and they know it."

To learn more about Dr. Bauman's work, visit [www.baumanmedical.com](http://www.baumanmedical.com). ★

I'M THANKFUL FOR... "Finding my biological dad. I just met him, and now I feel like I understand who I am." —Lia, 17, Madison, WI

beauty patrol 351081

## HOLY HAIR

Make every day a good hair day.

CG!



Naomi Watts

### SIDEKICKS

Check out these flashbacks: side ponytails and buns! Sometimes being lopsided is a good thing.



Ashanti



Cameron Diaz



## DIY: ALMOND-OIL HAIR GEL

- 1½ cups warm water
- 1 tbsp. unflavored gelatin
- 1 tsp. glycerin
- 1 tbsp. almond oil
- ½ tsp. almond extract

Protect hair from heat-styling-tool damage with this gel. Combine water and gelatin; stir until gelatin dissolves. Add glycerin, almond oil, and almond extract; stir. Refrigerate 1 hour (until mixture is almost set); stir. Chill it for another hour, then remove it from fridge and stir again. Apply to wet hair before heat styling.



DIDJA KNOW?

Hair suddenly hard to style? If you've been using the same shampoo forever, that could be why—so try a new one.

THIS IS FAKE!

## news flash

### THE LOOK: hair extensions

**WHY YOU WANT IT:** Because it's fun to see people's shock at how fast your hair grew (wink, wink!).

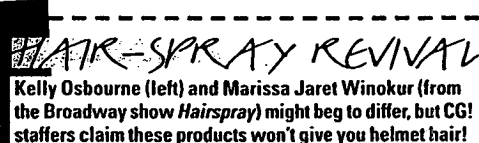
**HOW TO GET IT:** Pick an extension that matches your hair color and texture (try *Flawless* by Danilo, \$24–\$58, 800-663-3758—a bargain, since some hair pieces can cost \$1,000!). Pull your real hair into a high or low pony to give the extension something to attach to, then clip the faux hair onto the elastic. Hide the top end of the extension by wrapping a piece of hair around it or attach an accessory over it.



### STRONG-HOLD SPRAY

"This kept frizzies around my forehead under control and my curls in place better than most sprays, and it didn't make my hair feel crunchy or smell like alcohol." —Jessica, features editor

Bed Head Maxxed-Out Massive-Hold Hairspray, \$13, tighaircare.com



### STRAIGHTENING SPRAY

"I used this on my hair and it felt stiff and dry, the curls went away. My hair was straight and soft, but it didn't curl up in humidity." —Lina, assistant editor

L.A. Looks Straight-Look Straightening Spray, \$3, at drugstores



### VOLUMIZING SPRAY

"When I flipped up after spraying this, my hair was full, and my layers were perfectly piecey. But my hair is fine, so it only held for two hours, and I had to reapply it." —Rachel, production associate

Big Sexy Hair Concepts Flip It Over, \$14, 800-848-3383



NEWS FLASH: PHOTO, CAROL CHAN; ILLUSTRATION, RAINA KERNAN; HAIR, COREY TUTTLE AT BRIGGS; MAKEUP, SANDY UNTER FOR PETER COPPOLA; EXPERT, DANILLO, CREATOR OF FLAWLESS; HAIR-SPRAY REVIVAL: PHOTO, BRUCE GLIKAS/GETTY IMAGES; STILL LIVES, CHRIS BARTLETT DIDJA

OPS 3510 SH 1844

## Hair, there, everywhere

I feel guilty. I know I don't spend nearly enough House of Fab time on hair. This is, of course, due to my legendary, debilitating "salon-phobia." I am happy to say that, with the caring patience of my wonderful stylist (whose name I refuse to reveal because she's so booked now, sometimes I can't even get an appointment!), I am riding high and well-coiffed on the road to recovery. In guilt-free celebration, I bring you House of Fabulous hair goodies! From the most-conditioning conditioners to the hardest-working hair sprays, here are the best products on the market for you in all your impeccably groomed glory.

<Alterna Enzymetherapy's Hemp Shampoos and Conditioners (\$17 to \$19 at DESign Boston). This smells so good; it's also all-natural and incredibly nutritive. Plus the brightly colored "Chemistry 101" bottles look great in your shower.



### MEADOWFOAM CREAM TREATMENT CONDITIONER

RESTAURANT  
SALON  
FRESH

150ml e 5.1 fl. oz.

MEADOWFOAM  
CREAM  
TREATMENT  
CONDITIONER

fresh  
FRESH

<Fresh Meadowfoam Cream Treatment Conditioner (\$32 at Fresh, Boston). Sleep with it in, and shampoo it out in the morning — it's like a face-lift for your hair shafts. Plus, it'll make your pillows smell amazing!

<Mario Russo's Inflation Bodifying Foam (\$22.50 at Salon Mario Russo). All the volume-challenged glamazons love this easy-to-use foam for instant don't-be-jealous-of-my-naturally-thick-hair heads, and it lasts and lasts.



MARIO RUSSO  
HAIR

>Big Sexy Hair Spray & Play Hair Spray (\$14 at Mann-Made Style, Newton). Never mind Aqua Net — the '80s would have tinkled themselves if they'd had this mega-can of mega hold.







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GMT	11.00/14.00

## U.S.

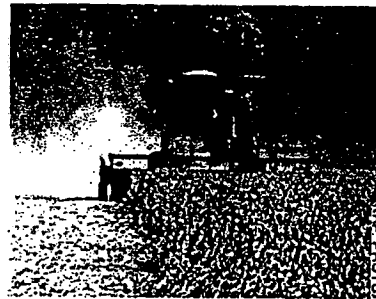
### Soybean growers seek new crop uses

Wednesday, November 26, 2003 Posted: 1516 GMT (11:16 PM HKT)

**MARYLAND HEIGHTS, Missouri (AP)** -- Warren Stemme's family has grown soybeans and other crops in the river bottoms outside St. Louis since 1869, when his great-grandfather emigrated from Germany.

Stemme planted about 1,200 acres this year, striking deals to rent from some 20 owners, in an area feeling increasing pressure from housing and business development. And sprawl isn't his only concern -- he's also worried about foreign competitors.

For the first time, South America muscled past the United States in soybean production, harvesting 3.3 billion bushels last year.



Soybeans are harvested on Warren Stemme's farm in Maryland Heights, Missouri.

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"It's a huge concern," Stemme said. "There's a whole bunch of issues relating to that. How do we compete with them?"

One way, Stemme said, is finding new markets for soybeans and experimenting to find new uses.

#### More than milk

Soy foods, like tofu and soymilk, are already a staple on supermarket shelves, but a Missouri brewer introduced a beer made with soy this year; a California company has been using soy in hair products; many farmers and some other consumers use biodiesel with soy in it to power vehicles or equipment; and an Iowa farmer's wife has created a business, one of dozens like it, selling soy candles in scents such as Chocolate Covered Cherries and Grandma's Baking.

Not every effort has made it to the marketplace. Attempts to make parts of sneakers out of soybean-derived materials haven't paid off yet -- though a researcher says it's not out of the question.

Eric Niemann, chairman for the United

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**THE M**



**Be the f**

SH 1514

Soybean Board's New Uses Committee, said work on new products falls into five categories: lubricants, plastics, coatings and inks, adhesives and other products.

The Nortonville, Kansas, farmer said consumers may be using goods with soybeans in them and not even be aware of it. For instance, certain spray foam insulations, furniture padding and carpet backings contain soybeans, he said. Roughly 90 percent of American daily newspapers use some soy ink in their production, according to the United Soybean Board.

C Agriculture

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"Each niche market doesn't use a lot of soy, but it adds up," said Niemann.

Most soybeans are turned into soy meal, a feed source for livestock, and soy oil, sold in vegetable oils or used in industrial products, the national board noted.

### Beer bean

Farmers like Stemme help support research into new uses with their crop sales. He uses biodiesel, a type of fuel that includes soy, on his farm. And, he explained, one half of 1 percent of every bushel sold is directed into research and promotion of soybeans through a national initiative known as the checkoff program.

And there are other products being created.

Pony Express Brewing Company, based in the western Missouri community of Garden City, is making beer with soybeans, promoting it as having a high protein level.

Soy also shows up in Sexy Hair Concepts, based in Chatsworth, California, which has been selling hair care products with soy since 1999. The company now distributes to more than 60,000 salons nationwide.

Melanie Throne, 35, of Scarville, Iowa, makes SoyLights, candles made with soy wax on her family's farm. The mother of five said she started the business with the goal of paying the grocery bill, but has surpassed her own expectation.

"It burns cleanly," she said of soy wax, "and there's not a lot of soot." Throne said more and more farmers are looking into similar businesses. "It's happening in Iowa. I'm talking to people on the East and West coasts who have never heard of soy candles."

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**Soy Bean Growers Seek New Crop Uses**  
**AP story also ran (11/26/03 to 12/9/03):**

Waco Tribune Herald (Texas)  
Wilmington News Journal (Delaware)  
The Intelligencer Record (Doylestown, PA)  
Syracuse Post-Standard (NY)  
Times-Picayune (New Orleans, LA)  
St. Paul Pioneer Press (Minnesota)  
Sunbury Daily Item (Pennsylvania)  
The Charleston Gazette Online (W. VA)  
The State (Columbia, South Carolina)  
Staten Island Live (NY)  
Statesman Journal (Salem, Oregon)  
Sarasota Herald Tribune (Florida)  
Southeast Missourian (MO)  
Springfield News-Sun (Ohio)  
Reno Gazette-Journal (Nevada)  
San Francisco Chronicle (CA)  
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Contra Costa Times (California)  
Daily Sentinel (Grand Junction, CO)  
Dayton Daily News (Columbus, OH)  
Brazosport Facts  
Champaign News-Gazette (Illinois)  
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Birmingham News (Alabama)  
Blade (Toledo, OH)  
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The Syracuse Post-Standard (New York)  
The Sacramento Bee (CA)  
The Morning Call (Allentown, PA)  
The Island Packet (Hilton Head, SC)  
The Dominion Post (Morgantown, WV)  
The Chanute Tribune (Kansas)  
The Billings Gazette (Montana)  
The Bakersfield Californian  
Telegraph Herald (Dubuque, Iowa)  
Tacoma News Tribune (WA)  
St. Paul Pioneer Press (Minnesota)  
Spartanburg Herald-Journal (SC)  
Seattle Post-Intelligencer (WA)  
Rock Hill Herald (SC)  
Raleigh News & Observer (NC)  
Philadelphia Inquirer (PA)  
Penn Live (Harrisburg, PA)  
The Oregonian (Portland, OR)  
Omaha World-Herald (NE)  
News-Leader (Springfield, MO)  
New York Times (NY)  
My Winnipeg.com (Winnipeg, Manitoba, CN)  
MSNBC  
Lubbock Avalanche Journal (TX)  
Los Angeles Times (CA)  
Lakeland Ledger (FL)  
KTAR RADIO 620 AM (Phoenix, AZ)  
Kiplinger.com  
Kane County Chronicle (Geneva, IL)  
IWon.com (Irvington, NY)  
Findlaw Legal News (Palo Alto, CA)  
Fargo Forum (ND)  
Dallas Morning News (TX)  
CNNMoney (NY)  
CNews (Canada)  
Beaufort Gazette (SC)  
Austin American-Statesman (TX)  
Arkansas Democrat Gazette  
High Plains Journal (Dodge City, Kansas)  
Times Herald Record (Middletown, NY)  
Farm Talk (weekly in Parsons, Kansas)

# COSMETIC PACKAGING

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November/December 2003

## Hair Care Packaging



### Tube Update

Mass Market:  
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SH 1517

# Hair Care Packaging: As Varied as the Products

**Brand marketers for retail and salon distribution have added a plethora of solutions-oriented formulas to reach out to every consumer.**

By Janet Herlihy, Editor

**I**T'S NOT JUST SHAMPOO, conditioner and hair spray anymore. The hair care menu also now includes mousse, gels, sprays, clays and waxes (to name just a few)—all customized for thick, thin, curly or straight hair, processed or not, colored or not. With so many new products crowding the shelves, it's no wonder that packaging is more important than ever.

## Mass and Spa Lines

Hair care products fall into two broad categories: mass distribution of national brands, and salon or limited distribution of independent designer lines. There is some overlap as certain salon lines have broken into mass channels, putting names such as Nioxin, Biolage and Paul Mitchell on shelves



*Sexy Hair Concepts has grown dramatically with a range of salon products presented in bright, bold packages.*

## Top 10 Shampoos in Mass Retail

1. Clairol Herbal Essences Regular Shampoo (P&G)
2. Head & Shoulders Class Clean Dandruff Shampoo (P&G)
3. Pantene Classically Clean Regular Shampoo (P&G)
4. Pantene Smooth and Sleek Regular Shampoo (P&G)
5. Pantene Sheer Volume Regular Shampoo (P&G)
6. Thermasilk Regular Shampoo (Unilever)
7. Suave Regular Shampoo (Unilever)
8. Finesse Regular Shampoo (Unilever)
9. L'Oréal Kids Regular Shampoo (L'Oréal)
10. Neutrogena T Gel Dandruff Shampoo (Neutrogena)

Source: Knowledge Group, Information Resources

in drug stores, grocery stores and big box discount retailers.

According to ACNielsen Strategic Planner, Schaumburg, IL, the mass market in hair care products amounted to \$4.5 billion (excluding Wal-Mart sales) for the 52 weeks ending Sept. 6, 2003. This total is down slightly from \$4.6 billion for the same period a year ago.

The salon part of the business is smaller but still significant. In 2002, there were approximately 227,000 salons in the United States, with approximately 160,000 being salons with a hair care focus, according to Cyrus Bulsara, president of Professional Consultants & Resources, a Plano, TX-based strategic salon and beauty industry marketing company. The rest of the salons are nail care, skin care, massage, barber and assorted single operator establishments.

Salon retail is an important business for brand marketers. According to Bulsara, the top five salon brands are: Biolage (L'Oréal); Paul Mitchell (John Paul Mitchell Systems); Redken (L'Oréal); Aveda (Estée Lauder Companies); and Nexxus (Nexxus).

Shampoos sold through salons accounted for \$252 million in manufacturer's dollars in 2002, while conditioners added another \$195 million in manufacturer's dollars, according to Bulsara. All together, back-bar (products sold in salons) amounted to approximately \$1.19 billion, including shampoos, conditioners, hair color, ethnic relaxers/curl perms, perms, hairs sprays, hair styling, and specialty products.

Although a comparatively small segment, there are some hair care products sold through U.S. department stores. In 2002, these high end products tallied \$37.9 million in retail

Owens-Illinois manufactures plastic containers for a wide range of hair care and personal care products.

sales, which was an 8% increase over 2001, according to NPD Beauty, a division of The NPD Group, Port Washington, NY.

### Masses of Products at Mass

Walk down the hair care aisle in your local grocery store and prepare to be amazed. In the Information Resources Knowledge Group report on the shampoos and conditioners sold through mass outlets for the 52 weeks ending March 23, 2003, there were 977 products for which sales and unit numbers were given—and that was just for shampoos.



### That's a Lot of Plastic

This spring, Unilever, L'Oréal and Alberto Culver each launched new shampoo and conditioner lines—Dove, Fructis and a new Tressemm line, respectively. Considering that the vast majority of these products are packaged in plastic bottles, *Cosmetic Packaging & Design* decided to find out how much plastic was involved in bringing those products to market.

Tom Ryder, business manager at Owens-Illinois (a major supplier of blow molded bottles in this category), had the answer. Ryder explained that the average size of a shampoo

or conditioner bottle is 13-oz or 383-ml. The bottles for hair care products are either made of high-density polyethylene or high-density polypropylene by a blow molding technique or made of PET in a stretch blow molding process. For either technique, about 30-35 grams of resin is needed for each bottle. PET bottles use a little less resin but the material is generally more expensive than polyethylene or polypropylene.

For a nationwide, annualized launch, brands usually order 20 to 40 million units—typically a shampoo and conditioner—in a 50/50 split. (Once a product is on shelf, reorders are usu-

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ally 60% shampoos and 40% conditioners). So, if a launch required 20 million bottles made of high-density polyethylene, the order would require 1.4 million pounds of resin. Multiply that by three and you have approximately 4.2 million pounds of resin minimum used in those three launches alone.

The bottles are made in a variety of machines that can have eight to 20 cavities. One machine, running 24/7, can make as many as 20 million containers in a year.

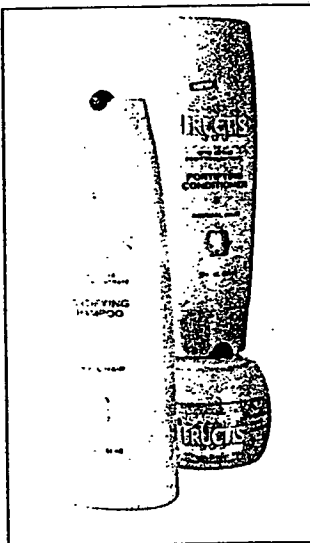
### Styles for Big Brands

Ryder noted that five or ten years ago, a national brand customer would launch a new shampoo and conditioner in the same bottle, distinguished by different labels. "Now they want a custom package for each. Often the shampoo is an upright bottle and the conditioner is in a tottle," Ryder said.

"There seems to be a strong influence in styling from Europe in terms of shapes, colors and material, but when Pantene first came into the market in its pearlized white container, it started a trend to others using similar colors," Ryder noted. "Now Fructis and Pert are in bright green packaging and we can expect more bright colors."

There is also more of a diversity of product (which translates to more SKUs on the shelf) as brand marketers seek to accommodate different hair types—curly, straight, thin, frizzy, ethnic, etc.," Ryder explained.

O-I projects currently include a lot of silkscreen decoration, because it provides a "no label look" and offers production and



*Garnier Fructis from L'Oréal stands out in brightly colored packaging.*

demand flexibility as it eliminates having to maintain a label inventory and/or lead-time.

Where labels are used, pressure sensitive labeling is popular due to graphics and metallic effects that the label can offer, according to Ryder.

O-I has a closures division and therefore offers the ability to supply the dispensing cap as well as the bottle. Ryder added, "Most of the dispensing caps are streamlined and integrated with the bottle so that it follows the style and color precisely—O-I makes those too."

### Sexy Hair Concepts: Bold, Simple

"Salon lines are the source of new ideas for hair care in general," stated Donna Federici, senior vice president of marketing for Sexy Hair Concepts, based in Chatsworth, CA. "The brands convince the hairdresser, who then talks to her clients and shows them how the products work. That generates a demand and once it's big enough, the major national brands pick up

on it and launch their own."

Sexy Hair Concepts has grown at a compound annual growth rate of 70% a year for the past three years, and now offers a line of more than 70 products sold through distributors to approximately 60,000 salons, according to Federici. The product is also sold through chain salons: 900 J.C. Penney spas, 800 Super Cuts, 700 Trade Secrets and 400 Smart Salons.

Hair stylist Michael O'Rourke founded the company, formerly called Ecoly International, in 1992. O'Rourke now serves

### Aluminum Aerosols Add Shapes, Colors



"The latest fashion trend in hair care packaging is new shapes," said Ed Martin, vice president of sales and marketing for CCL Container, Hermitage, PA, a major supplier of aluminum bottles and cans used in the beauty business.

Some of the new shapes are custom projects. Others like CCL's Comfort Hold, which features an inward curve in the top third of the container that gives it a graceful point of difference on shelf and makes it easier to hold, are stock molds.

"Marketers need a point of difference to attract attention in a crowded market," Martin noted. "TIGI's salon line started the trend to wild packaging. It's bright and attention-getting across the brand in all kinds of packaging to attract a young, hip customer."

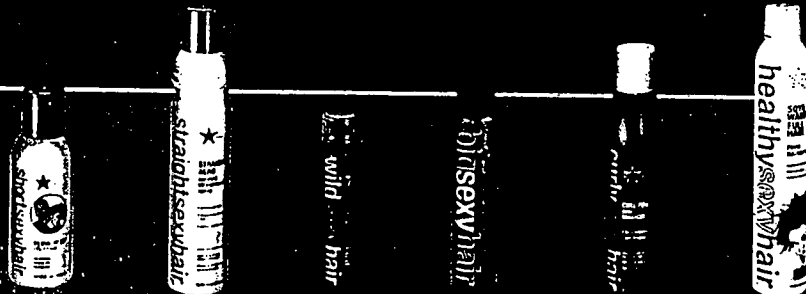
Mass marketers aren't far behind. A benchmark was when Unilever's ThermaSilk went for a bullet-shaped container, according to Martin. Now L'Oréal has a bullet shape container in its line. Zotos is the first major marketer to pick up the CCL's Comfort Hold container.

*CCL Container offers an assortment of shapes, sizes and finishes in aluminum packaging.*

*When A Hair Care Marketer Wanted Sleek And Curvy,*



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When Sexy Hair Concepts needed high intensity packaging to launch their top performing Big Sexy Hair brand, they turned to CCL Container. Appearing in shaped containers with bold, in-your-face graphics, Big Sexy Hair is a big market hit. When you need to make a great first impression, CCL's innovative technology and market-savvy design capabilities get your message across fast.

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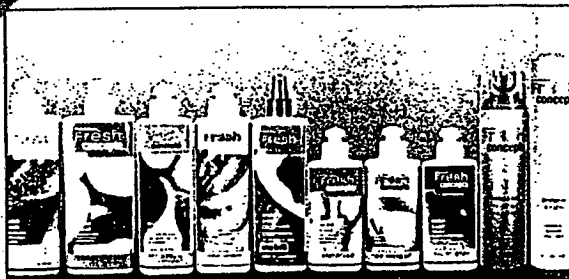
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SH 1521

**big sexy hair**





**Launching this fall, Sexy Hair Concepts has created Fresh Concepts, a hair care system of 10 products containing botanical ingredients and antioxidants as well as fruit scents. The new line has distinctly different packaging.**

as chief executive of Sexy Hair Concepts. The name Ecoly was changed in 2000 after the company introduced a number of successful hair care lines under the Sexy Hair Concepts theme, according to Federici. The first Big Sexy Hair product was launched in 1999. It's been followed by Curly Sexy Hair, Healthy Sexy Hair, Short Sexy Hair, Silky Sexy Hair, Straight Sexy Hair and Wild Sexy Hair.

The packaging, the design of which is done in-house, reflects a bold, fun-filled attitude. Federici noted, "Our great advantage is that Michael O'Rourke and Douglas Little, our creative director, are both hair dressers. They provide a practical viewpoint of what the true needs are in terms of products and how the packaging should function."

Federici draws on a marketing background and a consciousness of what's going on in the market to make a product that appeals to stylists and consumers. "In today's world, quality is a given and we strive for 'emotional' branding by taking our products and packaging 10 steps further to engage the consumer; to draw them in visually first and then have distinctive fragrances too," she said.

Commenting on its choice of names, Federici added, "Today's consumers can be overwhelmed with too many things. The product's message should be clear, simple, easy to understand."

A much gentler, subdued message is sent by the packaging for Soy Milk Moisture Shampoo, part of the Healthy Sexy Hair line. It comes in a white milk bottle-shaped plastic container. Even the closure is reminiscent of a milk bottle cap, but it conveniently dispenses through a one-handed flip cap. "It's designed to be held by a woman's hand," Federici said.

Root Pump Plus Humidity Resistant Volumizing Spray general manager for TricorBraun's Minneapolis offices.

Mousse has an actuator that allows the product to get to the roots of hair easily, according to Federici. The dispenser was supplied by SeaquistPerfect and is the first hair care product to use that dispenser.

"We are constantly trying to bring something new to the industry. Before the bright red and black packaging of Big Sexy Hair, most product was white and taupe," Federici added.

Other suppliers involved in packaging the brand are Roberts Container, Chatsworth, CA, and CCL Container, which manufactures the aluminum cans.

### Beautopia's Brocato Has Sophisticated Styling

Sam Brocato, a hair stylist, started Beautopia, a company that markets salon products, five years ago in Minneapolis, MN, according to Marne Zafar, director of creative for the company.

The company markets Brocato, Anasazi, and Kadus, a German salon line of products. Under the Brocato brand there are four sub-brands for specific hair types: America (for everyone), Blond, Red and Latina.

"Packaging depends on product formula and use," said

Zafar, who shares packaging decision-making with Angela Quade, purchasing director. The different lines are each packaged in a distinct color palette. Brocato America uses navy blue, deep red and white; Blond is in pale yellow; Red is packaged in deep pink; Latina is in natural containers that show off colorful contents, contrasted with caps in bright orange.

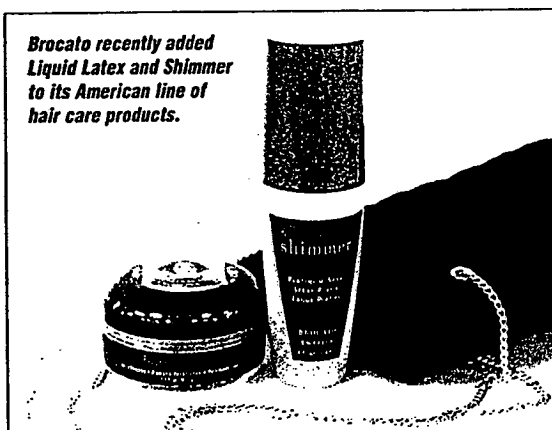
Brocato is introducing Liquid Latex and Shimmer in the America line. Both are packaged in plastic, a jar and bottle, respectively, with caps and labels in deep magenta. The bottle has a slight taper from top to bottom for an interesting silhouette and is

capped by a translucent magenta cap that reveals the dispenser.

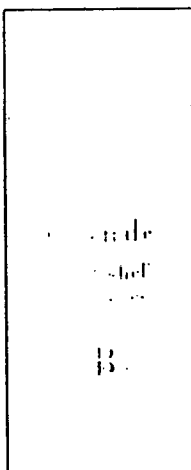
"We are using more vendors to source packaging these days," said Zafar. The company generally orders packaging in volumes of about 25,000 to sell through professional salons. Wiko in Germany supplies some injection-molded components while TricorBraun has been involved in projects for design and sourcing.

Brocato brought TricorBraun a glass bottle that it wanted to use as a model for the Shimmer products. "They liked the shape but wanted it in plastic and smaller. We custom colored one of the stock caps we have and built a custom bottle under it to have the right shape, size and material," said David Kirch,

**Brocato recently added Liquid Latex and Shimmer to its American line of hair care products.**



**Brocato's Blonde Bombshell is equipped with an unusual dispenser.**



NOVIEMBRE 2003  
Volumen 2 Número 11

# SALON PLUS

La Revista para Profesionales de la Belleza

## Las medidas clásicas de la belleza

Las uñas de  
Creative Nail Design  
lucen como joyas

Peinados de lujo por  
Robert Curjel

Los secretos de las  
**estrellas**  
para ser una diosa

SH 1523



# SALÓN PLUS

La Revista para Profesionales de la Belleza

Noviembre 2005 • volumen 2 • número 11



52



42



54

## artículos especiales

**34 Las medidas intangibles de la belleza**  
La evolución de la belleza a través del tiempo

**38 Los productos favoritos de las estrellas**  
Haz que tus clientes sean el centro de atención

**42 Uñas glamorosas para las fiestas**  
De la mano de Creative Nail Design

**52 Tendencias y trucos de maquillaje**  
Tu clienta será una estrella con TIGI

**54 Sexy Hair Concepts crea estilos impactantes**  
En exclusiva para *Salón Plus*

**62 Ciencia y Naturaleza embellecen la piel y mejoran nuestra calidad de vida**



# ESTILOS CON #1

## PARA LAS FIESTAS

CREADOS EN  
EXCLUSIVA POR  
SEXY HAIR  
CONCEPTS

por Michael O'Rourke,  
Presidente de Sexy Hair Concepts

### SEXY Y ONDULADO

✓ Para lograr este look, el equipo de estilistas de Sexy Hair Concepts sujetó el cabello en una cola de caballo bien baja.

✓ Luego se utilizó *Silky Sexy Hair Frizz Eliminator* para mantener el cabello prolijo y limpio durante el proceso y para darle un lustre y brillo intensos.

✓ Con una tenacilla mediana se le hicieron rulos a la cola de caballo en cuatro grandes secciones. Antes de este proceso se aplicó *Curly Sexy Hair Hot Curl* para fijar los rulos y extraer cualquier dejo de humedad.

✓ Después, se cepillaron suavemente los rulos y se dividió el cabello en dos secciones que se aseguraron con ondas suaves detrás de la cabeza.

✓ Se roció todo el cabello con *Big Sexy Hair Spray and Play Harder* para asegurarlo y quitarle el encrepado, y se roció la sección de adelante con *Curly Sexy Hair Hot Curl* y se la rizó con una tenacilla mediana.

✓ Para lograr un look refinado, se aplicó *Silky Sexy Hair Frizz Eliminator*.

✓ Finalmente, se colocó el rulo hacia el costado usando horquillas, y se roció el cabello una última vez con *Big Sexy Hair Big Shine* para lograr una terminación glamorosa para que tu clienta brille y se destaque en estas Fiestas.

# ESTILO

✓ Primeramente el cabello se fijó con la tenacilla especial *Curly Sexy Hair Waving Iron* y con la loción térmica *Hot Curl Thermal Setting Lotion*.

✓ Luego, se envolvió cada sección con la tenacilla para crear esas profundas ondas típicas de los años '40.

✓ Se cepillaron las secciones con *Silky Sexy Hair Frizz Eliminator* para lograr un brillo y lustre intensos sin agregar peso.

✓ Finalmente, se trabajó con el rocío *Big Sexy Hair Spray and Play* para asegurar las ondas y eliminar la humedad.

Fue así como se logró este exótico y sexy peinado. ¡Pruébalo para que tu clienta sea la mayor atracción de estas Fiestas y te recomiende a todos sus amigos! ☺

Estilista: Michael O'Rourke  
Moda y vestuario: Douglas Little  
Maquillaje: Michael Angelo  
Relaciones públicas:  
Sheryl Craig y Donald Wilson

SH 1526

Noviembre 2003 Salón Plus

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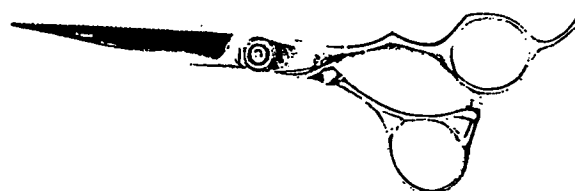


## Healthy Sexy Hair Soy Tri-Wheat Leave-In Conditioner



Esta fórmula única tiene una combinación de soja y tres proteínas de trigo que protegen el cabello contra el sol y el medio ambiente. También funciona para penetrar y adherir proteínas en cada cabello para fortalecerlo y suavizarlo mientras lo deja libre de enredos.

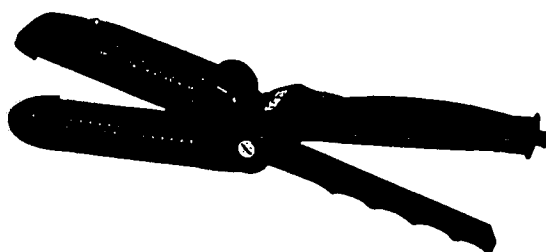
Para mayor información, visita:  
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Al fin, tijeras de precisión que se pueden usar en cabello mojado o seco. Esta tijera única posee un diseño nuevo de hoja que evita que el cabello se deslice y se resbale, permitiéndote pasar con facilidad de un corte mojado a un corte en seco. El corte sobre cabello seco te deja esculpir y dar forma y le brinda a tus estilos terminados un ángulo más creativo.

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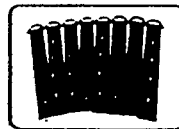


con fijador en la punta



con fijador en la punta

Trenzas



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Noviembre 2003 Salón Plus 51

## Conoce a los grandes de la industria de la belleza

- Profesional destacado: Herman Paez.
- Nombre de la compañía: Creative Nail Design.
- Profesión: Director Regional para Latinoamérica.
- Ubicación: Vista, California, Estados Unidos.

• Su mérito: es el responsable del crecimiento de la compañía en México, América Central, el Caribe y América del Sur desde febrero del 2001. La mega expansión de Creative Nail Design se debe en gran parte a sus diligentes esfuerzos. Herman trajo a esta posición un gran espectro de talentos y experiencia que le permitieron incrementar enormemente el volumen de ventas en pocos meses. Comenzó como técnico de uñas en 1997 en su salón de Texas y creció continuamente hasta alcanzar esta posición.

• Una frase referente al profesional: "El entendimiento de la cultura latinoamericana, más el conocimiento de nuestra industria y su espíritu y carisma, pavimentaron el camino para su éxito increíble en esta región", afirmó Rhonda Stockhaus, una de las representantes de Ventas internacionales.



- Profesional destacado: Rod Sickler.
- Nombre de la compañía: Images by Rod & Company.
- Profesión: Diseñador de peinados, estilista, artista de plataforma y empresario independiente.

• Ubicación: Garrard Rantoul, Illinois, Estados Unidos.

• Su mérito: excelente estilista, artista de plataforma, productor para Sexy Hair Concepts, y dueño de salón.

• Una frase del profesional: "He traído una mezcla única de educación y entretenimiento a la industria de la belleza. Ya sea detrás de la silla, en la plataforma como artista, o trabajando conjuntamente con mi equipo quiero que mi audiencia y mis clientes tengan una experiencia maravillosa. Las razones son varias: ya sea para aprender, para sentirse muy bien con ellos mismos o para pasar un grato momento".



¿Tienes conocimiento de alguna personalidad ejemplar en la industria de la estética? ¿Conoces a algún excelente estudiante de belleza o a algún profesor de estética destacado?

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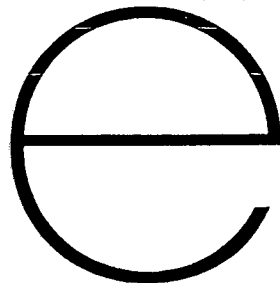




Street style

# VOGUEVIEW

is wearing Miss Sixty jeans, a dark brown strapless tunic, several necklaces of gold and stone that look like one, and, of course, her trademark flip-flops. "Just my little J. Crew flip-flops," she says.



Enter Mandy Wright, the hot makeup artist in town, wearing a sundress, very yellow and very feminine and seemingly fifties vintage but new (it's by Plenty),

and a white three-quarter-sleeve cardigan that's more *State Fair* than *Slacker*. You can imagine her at a picnic. Enter Traci Goudie, video-maker, who recently made a video

with Marty Stuart (older country) but has also worked with Kelly Willis (newer country), in addition to Lynyrd Skynyrd. She is wearing something red and black and chinoiserie. And then there's Patty Griffin, beloved Austin singer and songwriter, who Jyl sometimes designs for, as she did for this year's big Austin outdoor festival, in which Patty played alongside Emmylou Harris, Wilco, and Gillian Welch. Patty has on cargo pants and this amazing cottony knit orange top that she made herself—and that, against her green eyes and red hair and porcelain skin, is, in the quartet's estimation, totally working.

As our short Austin fashion film now comes to an end, all four order a Starlite

The Starlite, just off Guadalupe Street, is a club that is chic but also a little like somebody's old front porch

specialty, the pomegranate martini. At this moment, in Austin's evening sky, this table at the

Starlite is a bright grouping, a constellation—the Big Dipper. And in the climactic scene, the camera turns to Jyl, who gets the last word. As a designer, she has immediately recognized the artistry involved in Patty's ensemble, and, as she does, in a split second that the camera perfectly captures, she turns to Patty and, with the support and even the encouragement of her pomegranate-sipping friends, utters the line that could be practically interchangeable for all the characters at the table. She says it with gusto, even. "You look really hot," she says.—ROBERT SULLIVAN



## MIAMI

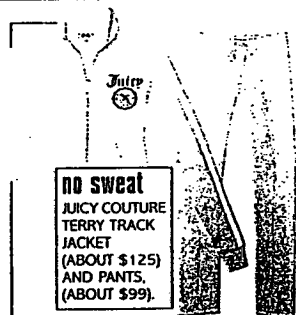
### body worship

Less is more in this *caliente* fashion cosmos, where the women have enough nerve to celebrate all their curves.

It's all about skin, as in lots of it showing, as in skintight—and it's all over Miami, on the streets, in the clubs, on the beach, and in the malls. "It" is Cuban street style, *Cuban* being shorthand for the many Latin contributors who are part of today's Miami, a group including, among others, Colombians, Nicaraguans, Puerto Ricans—even Italians, birds of another Latin feather. It's a look that's sultry and street, a J.Lo-ish look that celebrates voluptuous curves proudly and rich color unabashedly. (Forget about the little black dress; in this town, it's the little red dress.) Bare midriffs are a requisite, as are bare shoulders and backs—and view ▶ 324

### who wears short shorts

IF YOU'VE GOT IT, FLAUNT IT. FROM LEFT: GUESS DENIM JACKET, ABOUT \$88. DSQUARED TEE, ABOUT \$140. BETSEY JOHNSON SHORTS, ABOUT \$40. CELINE BY MICHAEL KORS SWIMSUIT, ABOUT \$355. WHAT COMES AROUND GOES AROUND CUTOFFS, ABOUT \$65.



no sweat  
JUICY COUTURE  
TERRY TRACK  
JACKET  
(ABOUT \$125)  
AND PANTS,  
(ABOUT \$99).

### southern exposure

For get-gorgeous basics, the place to go is Gables Beauty Supplies, known as GBS (308 Miracle Mile, 1621 Alton Rd.; 800/565-3233).

They carry local favorites like Healthy Sexy Hair shampoo and Queen Helene hair conditioner, and the Styli-Style and Joe Blasco makeup lines. Contesta Rock Hair ▶



disco bags  
SIGERSON  
MORRISON  
MERMAID  
BAGS, ABOUT  
\$380 EACH.

Still lifes: CHRIS BARTLETT. Details, stores, see in This Issue.

## PRESERVING INTENSITY

Laboratory tests show that products in the new Color Preserve line from Wella prolong the vibrancy of hair color up to 78 percent longer than would be expected with regular hair care products. The exclusive P3 Complex protects color from losing intensity and brilliance.

The line features the Color Preserve Shampoo, Conditioner, Detangler & Leave-In Conditioner, Deep Treatment and Seal & Shine Drops. Wella observers point to an increasing demand for the color-preserving product category.

"We're very excited to introduce this spectacular care line to our customers," says Bill Decker, senior vice-president of marketing and business development. "Color Preserve is a natural complement to our hair color business. News about the Color Preserve claim spread quickly, and salons can't wait to see the results themselves."



Wella's new Color Preserve line

## FRESH INGREDIENTS

A 10-product line featuring botanical ingredients, antioxidants and fruit scents is new from Sexy Hair Concepts. Fresh Concepts aims to protect hair from premature aging and environmentally caused damage.

Ingredients include grapeseed, green tea, black walnut, cranberry fruit and ginger root extracts. Each product's name gives a clue to its key ingredient: Vitamelon Daily Shampoo; Rejuicinate Moisture Shampoo; Banarama Daily Conditioner; Vitalitea Moisture Conditioner; RePear Reconstructor; Whey Better Leave-In Conditioner; Plum-Straight Straightening Balm; Core Strength Hard Holding Gel; Massive A-Peel Volumizing Spray Mousse; and PearSpray Hairspray.



Sexy Hair Concepts introduces Fresh Concepts.

## GREETINGS!

Holiday cards are available in 14 designs from the Leukemia Research Foundation, the charity benefitted by the Alternative Hair Show. The cards come in boxes of 25 and range in price from \$33 to \$48. Personalize them or send them as they are.

All proceeds go to the foundation, which spends 91 cents of every dollar raised on worldwide medical research, patient financial assistance, education and emotional support for patients and their families. For information, go to [www.leukemia-research.org](http://www.leukemia-research.org) or call 847-424-0600.

**ON**  
A three-product styling system from Matrix's Biolage line offers a solution to the dilemma between controlled style or soft, touchable hair—clients can have both! A blend of exotic botanical milk-based ingredients like milk thistle, rice milk and bamboo milk enables the Biolage Touchably Soft Styling products to combine shine and softness with a solid hold.

The products in the line are: Shaping Crème-Wax for a texturizing effect and clean definition; Curl-Defining Crème to moisturize, separate and contour curls while controlling frizz; and Smoothing Shine Milk, a lightweight mist that smooths hair for a glossy finish.

# MAGAZINE salon

of beauty and style

## SIDEWAYS STYLE

Euro-chic meets  
Canadian sleek  
with hair that moves  
outside the box

## PRIME POSITION

6 Foolproof ways  
to make more  
money with  
every patron

SHOP TALK  
13 business basics  
you need you know

## The Business Issue

## KID CULTURE

Why kid-service makes dollars and cents

NOVEMBER+DECEMBER 03 \$5  
WWW.BEAUTYNET.COM

### KID Culture

**Incorporating kids into your service menu makes a lot of dollars and cents**

We all know one, we spend megabucks on them and some would even say that they are the latest accessory. We're talking kids. And the salon business is catering to them with fun in-salon themes and age-specific products. Where kids are concerned, the options and dollar opportunities are limitless.

A "Glamour Makeover," "Happy Hippo" highlights and chocolate scented shampoo are just a few of the choices kids and teens make at Monkey Dooz salon in Calgary. Shona Rigden manages this jungle-themed salon and likes to make the entire experience fun. Children sit drive-in-theatre style in jeeps and trucks, munching popcorn and watching movies while the stylist works. Haircuts are completed with Biosilk Coloured Hair Gel, a beaded braid or glitter hair spray. Older kids or "tweens" get pampered with mock pina colodas and peppermint pedicures when indulging in the salon's "Teen Tropical" party.

At Monkey Dooz, both big and little clients are considered valuable. Since Rigden likes to keep both clients and staff entertained, she finds that an inviting and colourful environment creates a more relaxed workplace. As well, keeping kids busy and active keeps them occupied, making the stylist's job easier, and the child's experience more positive. Rigden says that, "being attentive to the child and gaining the parent's confidence in return," is necessary to create client loyalty. And everyone leaves with funky take-home products like the Circle of Friends candy-scented line of hair and body care.

Walk into Kids Play Fun Hair Designs, also located in Calgary, and you will see 1700 sq. ft. of pure pleasure. Delighted shrieks emanate from the indoor playground, and video games bleep merrily as a stylist puts the finishing touches on a pint-sized princess. For eight years Erin Tarras has



been offering her clients—ranging from toddlers to grandmothers—a full service salon. So whether it's a birthday party that includes hair, nails, ear piercing, corn braids and face painting or a group of teens in for graduation updos, Tarras builds client loyalty by meeting individual needs. "Parents want a good haircut and kids want an atmosphere that makes them feel welcome," says Tarras, who stays current by providing kids and teens with cutting-edge styles, product like Sexy Hair Concept and colours by Fudge. "It is important to try and get them into the salon instead of doing it themselves at home," explains Tarras who promotes theme services as good value.

Beaners Fun Cuts for Kids is another Calgary-based franchise offering kids haircuts in a high energy surrounding. Themed Princess Parties, invites little girls in for an hour of pampering and playtime, while Sports Night gives Dad a \$6 haircut and a chance to win tickets to the latest sporting event. Owner Candace Logan finds having her own children enables her to tune into clients' needs and have some fun with them. And what's more fun than using Joico Ice Spiker Coloured Gel on a freshly coiffed kid? —EK

### BUILD BUSINESS THROUGH THEME NIGHTS

#### \* Bridal Hair Party

Invite the bridal party into the salon before the big day to preview the latest trends in bridal hair. Serve champagne and strawberries to make the visit not only entertaining but also impressive.

#### \* Teen Tips and Toes Night

Host a teen night including a wash and style, mini manicure and pedicure. Serve "mocktails" and send them home with their choice of polish.

#### \* We Love Your Shoes Party

At a busy local hotspot, hand out business cards to potential clients wearing fabulous shoes, with a promo of 10% off any cut and style on a specific night of the week. Make it a party for these new clients with hor d'oeuvres and a glass of wine, or specialty coffees and biscotti.

#### \* Kids Circus Party

Invite clients to bring their children to a special night featuring clowns, face painting, popcorn and a \$10 haircut. Give parents a coupon or business card for pampering themselves on another evening.

#### \* Sports Night for Men

Tune the TV to CNN, crack open the brewskies and give these guys the works with manicures, deep conditioning treatments and great new haircuts.

→ CLIP ART

## OCCASION TO COIF

Dim the lights, deck the halls and dazzle with fabulous style



Hair and Photo Francesco Rizzuto Angles Hair Design (Brentwood) Calgary, Alta. Makeup Hollie Nixon Contessa 1's

### Curly Q

Try this coiled look by Angles Hair Design on holiday clientele. For the cut, the hair was first parted horizontally into two sections for perimeter guidelines and shape. Then layers were cut so that hair was shortest where the head was fullest or roundest, throughout the interior of the cut using horizontal sections on the top and vertical sections on the sides and back. The model's hair was a virgin level 6. Using 40 vol. Redken developer, #10 NW Redken Colourgels (total mixture of 5oz) was applied and processed for 30 minutes. To finish, Healthy Sexy Hair Soy Butter was applied for texture after the hair was hand dried.

### Step By Step

Staggered blunt cuts were visually balanced and used to accent and define the brilliant multidimensional colour placement in this look created by ARO Salon. Large blonde zigzag patterns were placed throughout the entire head with L'Oréal's Pure Platine and peroxide 20 vol. Toned with 1/3 gold 2/3 light copper Diacolour and Diacolour Releaser. Copper and red triangles were isolated within the zigzag pattern. Triangle #1 used the formula Majicontrast red & 30 vol. peroxide and triangle #2 Majicontrast and copper red 30 vol. peroxide. Between the foils on the top, crown and fringe area a dark brown Diacolour and Diacolour Releaser was applied. On the remaining virgin hair, Bordeaux Black and Diacolour Releaser was placed roots to ends.

Hair Jeff Ward Creative Colour Yasmin Morris Creative Director ARO Salon Victoria, B.C. Makeup Lisa Bonenfant Photo Curt Yoder

### Warhol

This look is just as eye-popping as the Pop Art Master it's named after: Andy Warhol. Created by the artistic team at Raymond Hennessey Salons & Spas, the cut is a disconnected, off-centre mohawk, balanced by accent tails at the front and back. The texture is achieved by fracturing the interior. Four tones of progressively lighter blond blend naturally from the base outwards to the accent pieces.



Hair Cindy Schaber Raymond Hennessey Salons & Spas, Vancouver Makeup Funda Yucel Photo Phil Johnston Photography

# american **Salon**

BEAUTY FIRST

DECEMBER 2003

## SEXY SILHOUETTES

Michael O'Rourke creates glamour  
with an edge for the holidays



SH 1535

FEATURES

**EIGHTIES FLASHBACK** 62

Ruth Roche shows five students how to work a photo shoot and pulls together a rockin' collection.

**GLAMOUR 'DOS** 66

Sexy Hair Concepts's Michael O'Rourke and Douglas Little update the classics to create holiday looks with an edge.

COLUMNS

**COVER LOOK** 14

Hair gets glamorous in the gifted hands of Sexy Hair Concepts's Michael O'Rourke.

**FRÉDÉRIC FEKKAI  
FROM BEAUTY TO BUSINESS** 30

Frédéric discusses the benefits of longer hours during the upcoming party season.

**BILLY B.  
BACKSTAGE PASS** 32

Billy gives a heartwarming message about how to overcome insecurities.

**RUTH ROCHE  
OUT THERE** 34

Ruth talks about merging the worlds of education and photography together in a photo workshop.

**BRAD JOHNS  
DYEING TO KNOW** 36

Brad addresses the necessity of visualizing the highlighting process and gives tips for spreading seasonal cheer.

**OBSESSIONS** 96

The 10 things that helped famed hairstylist Mark Gammon rise to the top.

**ON THE COVER**

Photography Enrico Vesce/winstonwest.com  
Hair Michael O'Rourke for Sexy Hair Concepts  
Hair Assistant Douglas Little  
Makeup Pamela Taylor  
Styling Victor Vargas  
Jewelry Alan Friedman



## COVER LOOK

MICHAEL O'ROURKE OF SEXY HAIR CONCEPTS BRINGS ON THE GLAMOUR WITH HIS UPDATE OF THE CLASSICS.

There's just something about glamorous hair. Whether it's at a holiday party or on the red carpet, super shiny hair—arranged in elegant updos or soft curls or even made super straight—says chic sophistication. For our December cover, Sexy Hair Concepts's Michael O'Rourke merged and revamped two classic silhouettes to show how hair fashion constantly

evolves. To begin, O'Rourke set Nadine's hair on rollers and sprayed it with Big Sexy Hair Flip It Over to give it tons of body. He pinned the hair up and took the sides back into a Gibson Girl-shape and then lightly back-combed the hair in front, taking the hair back sleeker to create a pompadour. Next he created a flatter crown by dropping the weight of the hair

to a classic rockabilly silhouette. He used Big Sexy Hair Spray & Play Harder to hold the hair and Big Sexy Hair Big Shine to finish. "You take the basic shape and then modify it," says O'Rourke. "It's what you add or take away that makes it new." •

For more looks from the shoot, turn to page 66.







Striking hair and celebrations go hand-in-hand. And with the New Year about to kick off, it's the perfect time to embrace piled-high hair. This issue, Michael O'Rourke styled it up as he artfully modified classic updo silhouettes. Ruth Roche and her five students also worked wonders with a collection that revamped Eighties hair with hip rockabilly style. The holiday season is shaping up pretty nicely, indeed.

—HOLLY CARTER

PHOTOGRAPHY: INKNO VICE/WINSTONWEST.COM

december

DECEMBER 2003 AMERICAN SALON 61



# GLAMOUR'DOS

From Audrey Hepburn's updo in *Breakfast at Tiffany's* to Marilyn Monroe's platinum curls, classic styles continue to inspire us. But just as fashion evolves, so does hair—new elements must be added to keep it fresh. "It's like a building; you take the basic foundation and change it going up," says Michael O'Rourke, founder of Sexy Hair Concepts, who with the help of creative director Douglas Little crafted the hair on these pages. "We're modifying the basic silhouette. The rope around the updo and the French roll that goes into a duck tail give these styles edge." And since O'Rourke used hairpieces for these looks, you can recreate these fabulous 'dos for clients with any length hair going to a holiday party, wedding, or prom.

—ROBBIN McCLAIN

PHOTOGRAPHY: Enrico Vesce/winstonwest.com  
HAIR: Michael O'Rourke for Sexy Hair Concepts  
HAIR ASSISTANT: Douglas Little  
MAKEUP: Pamela Taylor STYLIST: Victor Vargas



To begin, Michael O'Rourke and Douglas Little applied Silky Sexy Hair Drench and pinned hair in a horseshoe pattern leaving the front open. They then added tufts of hair that had been cut, bleached, and flat-ironed to expand the back and applied Short Sexy Hair Frenzy to give it detail. To finish, they added string and pieces of monofilament to act as a headband and held it all in place with Big Sexy Hair Spray & Play Harder. Diamond Earrings: Mia & Kompany



SH 1541



OPPOSITE: For this updated Audrey Hepburn style, O'Rourke used a curling iron and Big Sexy Hair Root Pump to create a wave in front then took the sides back into a French roll. Using his fingers, he ran Short Sexy Hair Slept In through a fall until the strands formed ropes. After pinning the fall in the back, he wrapped the ropes around the top of the model's hair allowing the ends to splay out to create a slight softness to the structured look. Big Sexy Hair Spray & Play Harder held the style; Big Shine finished it. Gold, Diamond, and Pearl Necklace: Bvlgari

THIS PAGE: Using Big Sexy Hair Spray & Play Harder, O'Rourke and Little back-combed the sides and underneath layers. They next pinned in a fall that had been curled with an iron below the crown in the back and brought it forward over the right side. They smoothed the sides back into a duck tail to support the curl and finished with Big Sexy Hair Big Shine. Diamond Earrings: Mio & Kompany



To begin, O'Rourke and Little blow-dried the hair with Silky Sexy Hair Drench and Frizz Eliminator. Next, they pinned the hair up in an asymmetrical French twist and back-combed it to add volume to the bottom. After pinning in an extension at the crown and bringing the hair asymmetrically across the eye, they cut the extension from short to long in the front. They then flat-ironed the hair with Big Sexy Hair Spray & Play Harder to flick out the ends and sprayed it with Big Shine to finish. Silver and Topaz Earrings and Silver Necklace: Links of London

SH 1543

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SH 3455

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Celebrity Stylist Michael O'Rourke  
Shows YOU how to get this look:

*Nourish hair with Healthy Sexy Hair  
Pumpkin Rehydrating Shampoo...*

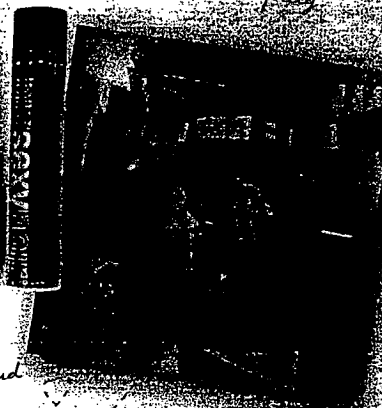
1 Spray Big Sexy Hair Root Pump  
Plus into hair at the roots. Next,  
work a little Big Sexy Hair Blow Dry  
Volumizing Gel into remaining hair  
and blow dry for ultimate volume.



2 Emulsify a dime-sized amount of  
Silky Sexy Hair Fizz Eliminator  
into your hands to lightly shape and  
polish the hair.



3 Finish and set with Big  
Sexy Hair Spray and Blow  
Volumizing Hair Spray.



Join  
the official Katharine McPhee Fan Club, at  
[www.katharinemcphree.com](http://www.katharinemcphree.com)

Photo by Robert Ascroft/robertascroft.com

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SH 3456

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THE BEAUTY EXPERT

MARCH 2007

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**52 INSIDER SECRETS**

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EASY MAKEUP,  
GORGEOUS HAIR,  
PERSONAL STYLE**

**Spring's  
Sexiest  
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**8 Stunning Looks**

**What Happened to  
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SH 3452

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## Contents

### BEAUTY REPORTER

Look Now: Full Lashes.....	75
Editors' Favorites.....	78
Allure's Face: Jenna Fischer.....	80
Makeup Trend • Reader Reviews • Best-Sellers.....	82
Timeline.....	86
Smell This • Color of the Moment • The Scoop • A Trend in Itself.....	95
Hair Trend • Skin Solutions • Free Stuff.....	96
<b>Beauty 101.</b> Three simple steps to getting the fullest, smoothest hair. BY VICTORIA KIRBY.....	98

### FASHION

<b>Fashion Bulletin.</b> Floral Appliqués. BY MICHAEL CARL.....	105
<b>Fashion Stakeout.</b> Joy Bryant.....	106
<b>Fashion Cravings.</b> Glitzy Gymwear.....	108
<b>Fashion Extras.</b> Old-School Watches.....	110
<b>Style 101.</b> The new bubble skirts mix volume with va-va-voom. BY JESSICA B. MATLIN.....	112

### INSIDERS' GUIDE

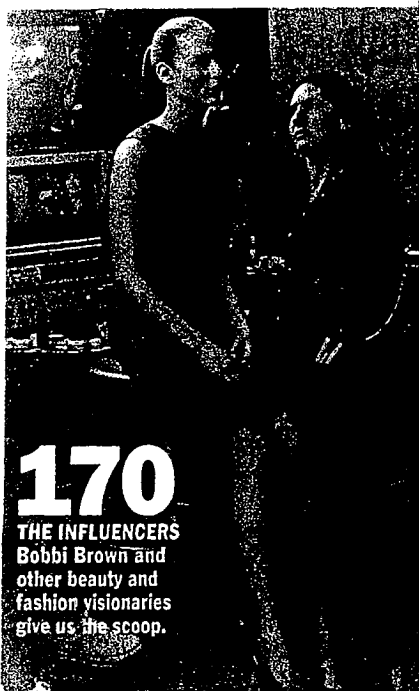
Experts weigh in on the VIP life—where to shop, how to get the best service, and more.....	118
--------------------------------------------------------------------------------------------------	-----

# 182

**SPRING FORWARD**  
Strong or soft, this  
season's hottest colors  
have personality.



SH 3453



# 170

**THE INFLUENCERS**  
Bobbi Brown and  
other beauty and  
fashion visionaries  
give us the scoop.

# 82

**LIPSTICK LITE**  
New formulas  
without the thick,  
sticky texture

p. 170

p. 182

p. 218

p. 138

p. 210



CLOCKWISE FROM BOTTOM RIGHT: MICHAEL THOMPSON; ROGER CABELLO (STILL LIFE); NORMAN JEAN ROY; TOM MUNRO

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PATRICK DEMARCHELIER

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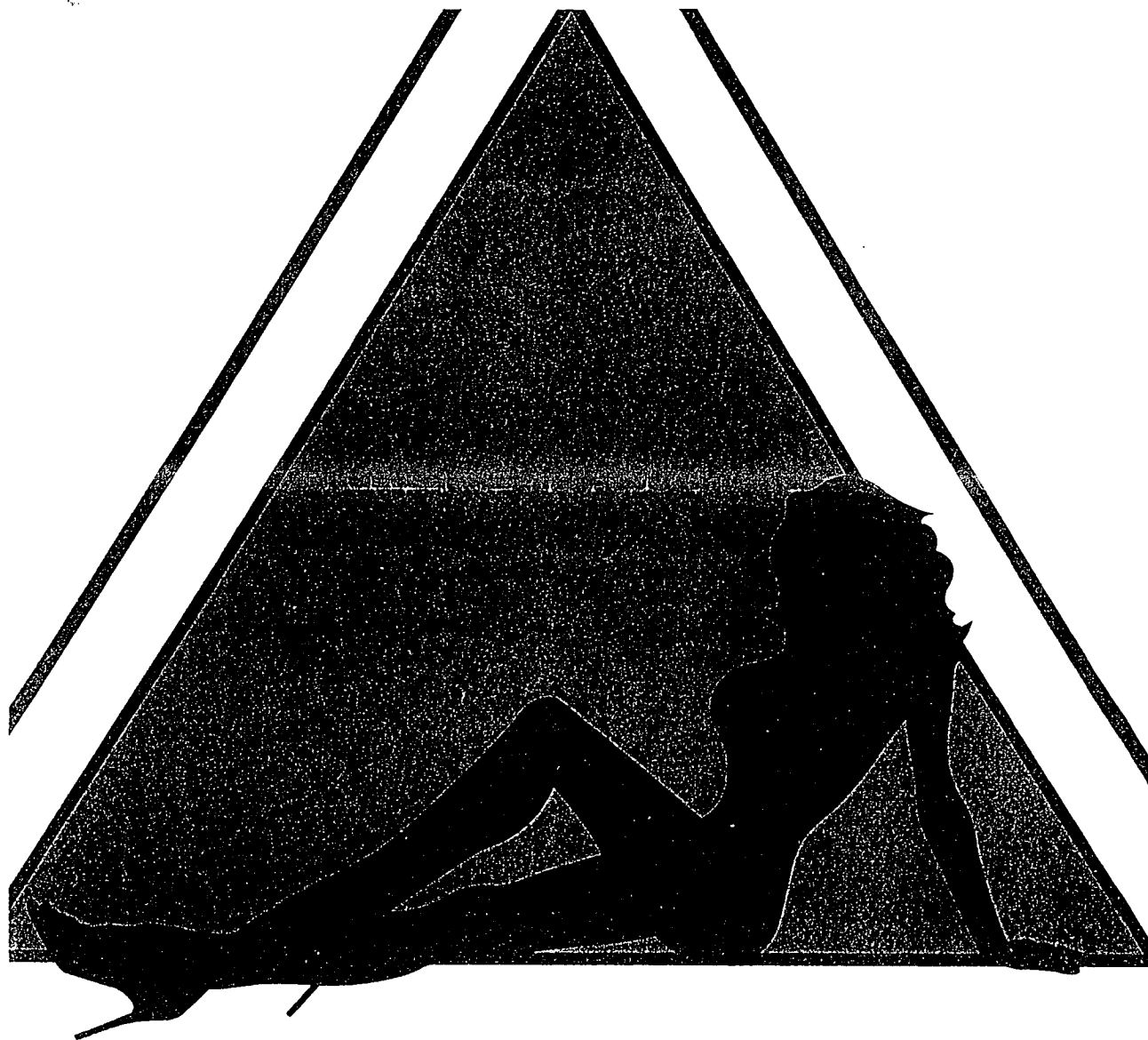
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BIGGER Is Better.

SH 0647

Call for your local distributor 1-800-848-3383. ©1995 Revlon International, New York, NY. All rights reserved.



**CAUTION!**

**BIG SEXY AHEAD**



So You Like It BIG.

call for your local distributor 1-800-848-3383 © 1999 Ecoly International Inc., Chatsworth CA 91311



# BIG SEXY HAIR



More Refined and Styled  
*Big is Back!*

A RED HOT product line created to take  
hair to its maximum fullness.



SH 0650

Sold only at salons  
1-800-848-3888

©1999 Ego/International Inc. (Chillicothe, OH, U.S.A.)  
For more information, write to Ego/International Inc.



# straight SEXY HAIR

STRAIGHT AERO  
**THE FIRST AERATED  
STRAIGHTENING SPRAY!**



## SHAMPOO

- ☆ relaxes curl
- ☆ adds shine
- ☆ moisturizes



## CONDITIONER

- ☆ relaxes curl
- ☆ detangles
- ☆ adds shine



## STRAIGHT AERO

This air propelled straightening spray keeps your hands free from messy gels, allowing easier, more thorough application from roots to ends.

- ☆ straightens hair
- ☆ temporarily relaxes curl
- ☆ shines and smoothes



## SMOOTH OUT

Use this while you finish off your blow dry to seal ends and polish hair to perfection.

- ☆ smoothes and polishes
- ☆ moisture resistant
- ☆ high shine

Photo: Craig DeCristo Stylist: Douglas Little Make-up: Lita Vissauz Hair: Douglas Little

**CURL  
COMBAT**  
system

*Straight Sexy Hair  
Curl Combat System*

SH 0652

1-800-848-3385

Fresh, Fun, Playful.  
Sexy Hair is a thing of beauty.

Michael O'Rourke, creator, Sexy Hair Concepts



For more information on Sexy Hair Products phone 1-800-848-3383 1993 Sexy Hair Concepts Los Angeles, CA 91311

Circle 18

SH 0653

Full Size

Full Size

Full Size

Straightening Hair used to to  
be a Gooney, Messy Nightmare!e!

Until Now...

Introducing

straight  
SEXY  
HAIR

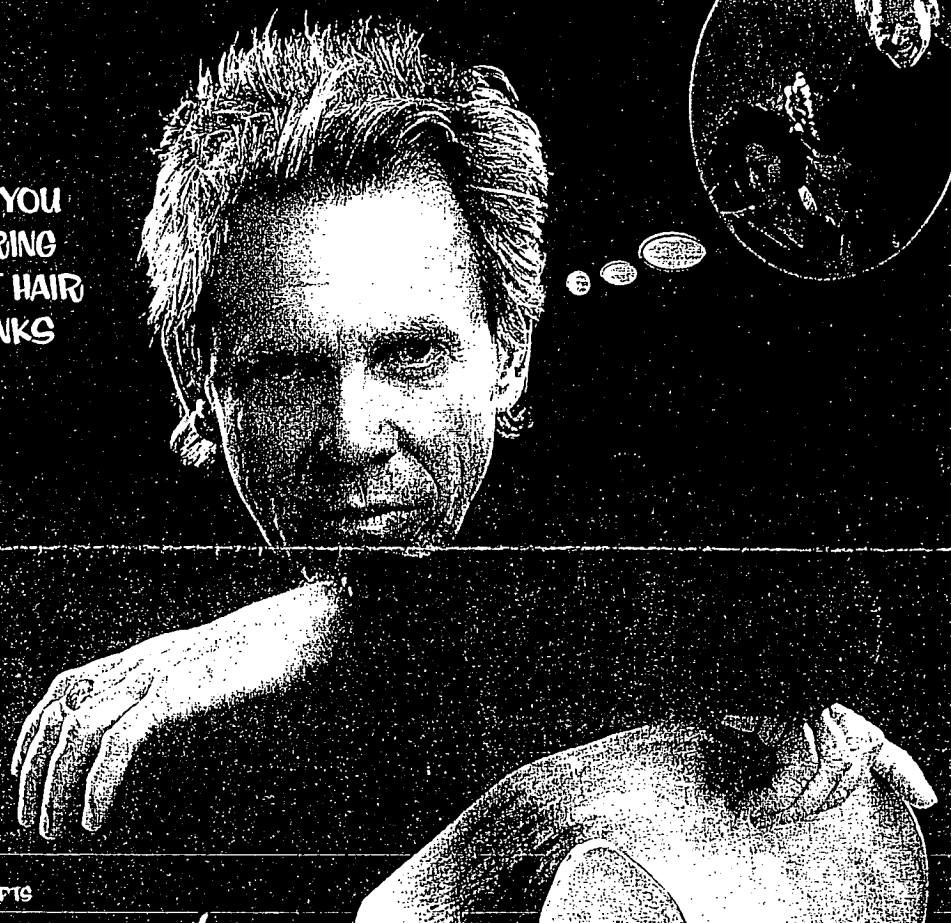
SH 0654

The Industry's First Aerosol Straightening System.

PAGE



JUST IN CASE YOU  
WERE WONDERING  
WHAT A GREAT HAIR  
DRESSER THINKS  
ABOUT...



MICHAEL O'ROURKE  
CREATOR, SEXY HAIR CONCEPTS



IT'S ALL SO SEXY!

Circle 21  
For more information on Sexy Hair Products call 1-800-338-3383 or visit our website at [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com)

# Introducing Short Sexy Hair

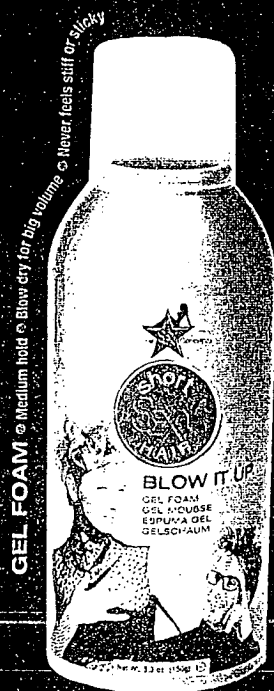
The new addition to Sexy Hair Concepts



First we made it BIG



Then we made it STRAIGHT



SHORT, SEXY and to the point!







Sexy Hair Concepts



Thickens and moisturizes hair

TEXTURE CREME • Creates texture • Gives 2nd day look



Got short hair?

SH 0657

For more information on Sexy Hair Products phone 1-800-848-3383 ©1999 Sexy Hair Concepts Los Angeles, CA 913

Short Sexy Hair Launch  
March 1999

Got short hair?



**TEXTURE CREME** • Creates texture • Gives 2nd day look • Thickens and moisturizes hair

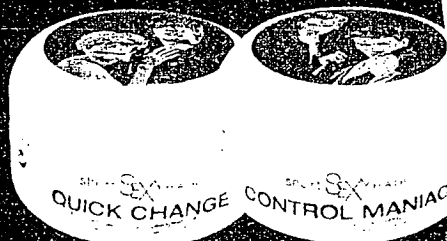
**GEL FOAM** • Medium hold • Blow dry for big volume • Never feels stiff or sticky

**SHAPING BALM** • Defines and separates • Creates volume • Changeable style

**WAX** • Gives control • Creates strong shapes • High definition

SHAPING BALM

WAX



TEXTURE CREME

GEL FOAM



For more information on Sexy Hair Products phone 1-800-848-3383

Circle 148 on Reader Service Card.

SH 0658





Thickens and moisturizes hair



Got short hair?

SH 0659

For more information on Sexy Hair Products phone 1-800-848-3383 ©1999 Sexy Hair Concepts Los Angeles, CA 91111

S, CA 913

# Introducing Curly Sexy Hair



## SHAMPOO

- ◆ moisturizes
- ◆ enhances curls

## CONDITIONER

- ◆ controls frizz
- ◆ detangles

## CURL POWER

- ◆ boosts curls
- ◆ leaves hair soft

## HOT CURL

- ◆ protects against heat styling
- ◆ creates curls with any heat styling tools



SH 0660

curly  
HAIR

CURLY • SEXY • YOU  
CIRCLE 35

1-848-3383 www.sexyhairconcepts.com ©2000 Sexy Hair Concepts Los Angeles, CA 91311  
For more information on Sexy Hair Products



MICHAEL O'ROURKE  
presents

# HOT SEX Highlights

*They're  
to Dye for!*

SH 0661



"There's nothing sexier  
than blonde highlights."  
-Michael O'Rourke





# HOT

# SEX

*Dare to Be*

# Highlights

*Hot Sexy Highlights introduces  
a new collection of products  
for Black, Red and Brown hair tones.*

Prepare your hair for color with our new Stabilizing Shampoo  
and enhance your color with *Black Cat*,  
*Red Hot Mama* or *Foxy Brown* Color Conditioners.



SH 0662

For more technical information phone 1-800-848-3383  
www.hotsexyhairconcepts.com ©2000 Sexy Hair Concepts Los Angeles, CA 91311



1-800-848-3383 [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com) sold only in salons © 2001 Sexy Hair Concepts Los Angeles, CA 91311



*POLY-ester Pink  
Color Spray*

Instant Spray • Metallic • Colored • Works on  
all hair colors and is Temporary - of course

*DENIM-flare Blue  
Color Spray*



Circle 117 on Reader Service Card.

SH 0663

Why *peep* when you can be the show



SH 0664



# PUMP HARDER

THE ORIGINAL JUST GOT BIGGER, STRONGER AND SEXIER!

★ EXTRA HUMIDITY RESISTANT

★ VOLUPTUOUS HOLD

★ BIGGEST VOLUME

★ GLAM STIMULATOR

★ EGO INFLATOR

★ KEEPS YOU COOL  
EVEN AT YOUR HOTTEST

★ GO AHEAD  
SHOOT TO THRILL



PROPERTY OF MICHAEL O'ROURKE

**BIG  
SEX  
HAIR**

**Root  
Pump  
Plus**

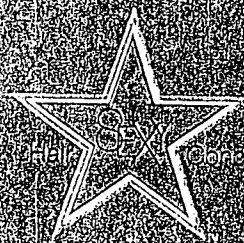
Humidity Resistant  
Volumizing Spray Mousse

Mousseur mousse volumisant  
résistant à l'humidité

Espuma spray voluminosa y  
resistente a la humedad

Volumen Sprühschaum zum  
Schützen vor Luftfeuchtigkeit

Net wt: 10.6 oz. (300g) ©



1-800-848-3333 www.sexyhairconcepts.com sold only in salons ©2001 Sexy Hair Concepts Los Angeles, CA 91311

SH 0665

# healthy

# SEXY HAIR

*the first complete soy-based haircare line  
in the professional beauty industry.*



## feed it with the goodness of soy!



*"There's nothing sexier than strong, healthy hair..."*

Michael O'Rourke  
CEO and Co-Founder  
Sexy Hair Concepts



SH 0666

www.sexyhairconcepts.com 1-800-348-3488 or in NY 1-800-348-3488



# is your hair hungry?



**healthy**  
**SEXY**  
**HAIR**

*The first complete soy-based  
haicare line in the professional  
beauty industry.*

## feed it with the goodness of soy!

SH 0667

*"There's nothing sexier than strong, healthy hair."*

Michael J. Runko, CEO and Founder of Sexy Hair Concepts





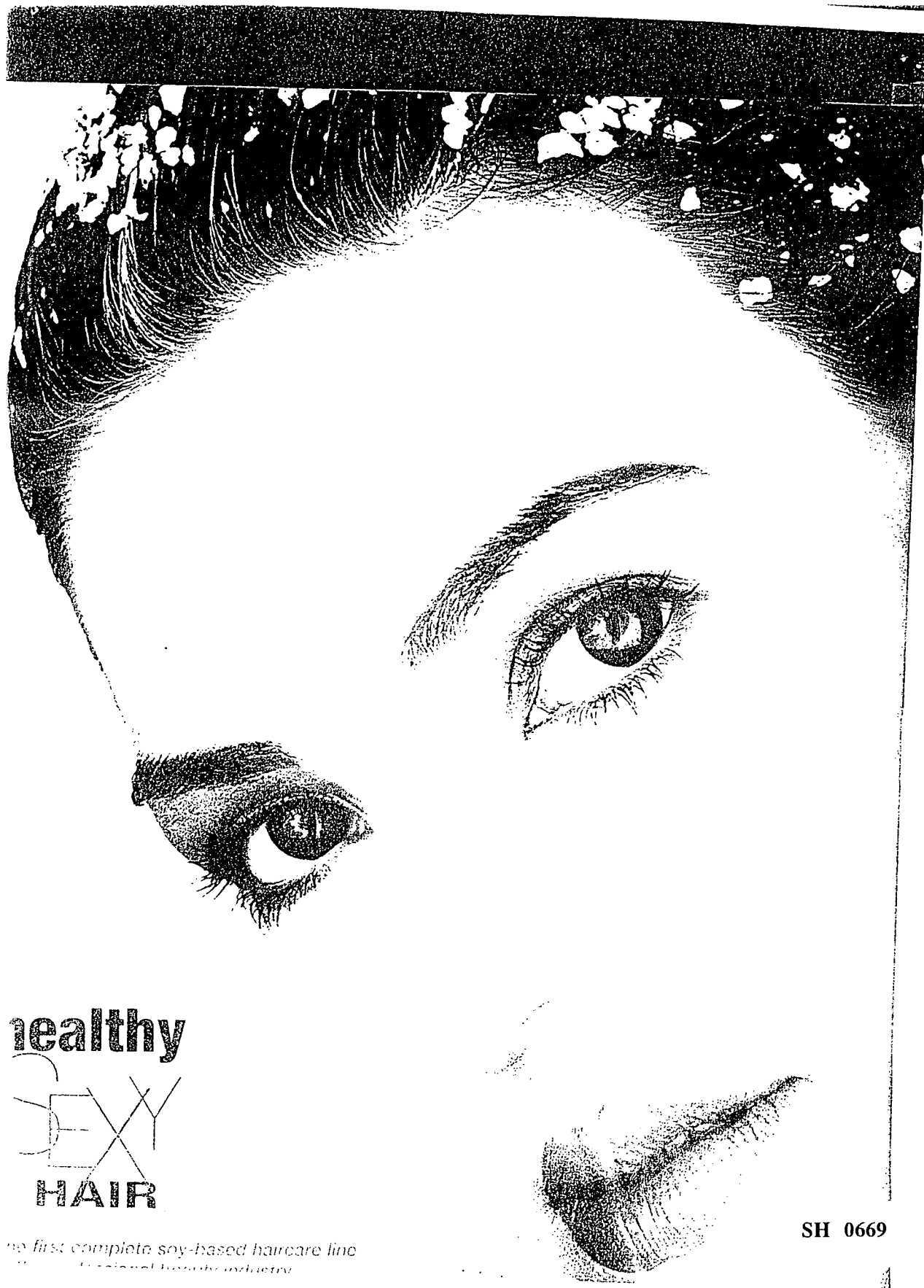
Save your hair with

# SOY SALVATION

Banana/Oatmeal Deep Treatment Hair Masque

SH 0668

1-800-848-3363 [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com)  
sold only in salons ©2000 Sexy Hair Concepts, Los Angeles, CA 91311



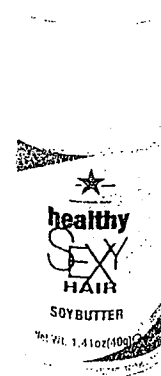
Healthy  
SEXY  
HAIR

the first complete soy-based haircare line  
from the traditional beauty industry

SH 0669

# healthy SEXY HAIR™

*the first complete soy-based haircare line  
in the professional beauty industry.*



## Soy Sensational!



*"There's nothing sexier than strong, healthy hair."*

Michael O'Rourke  
CEO and Co-Founder  
Sexy Hair Concepts



For more information, call 1-800-333-4444 or visit us online at [www.sexyhair.com](http://www.sexyhair.com).  
For more information, circle 130 on Reader Service Card

SH 0670

# Soy Sensational!

# healthy SEXY HAIR™

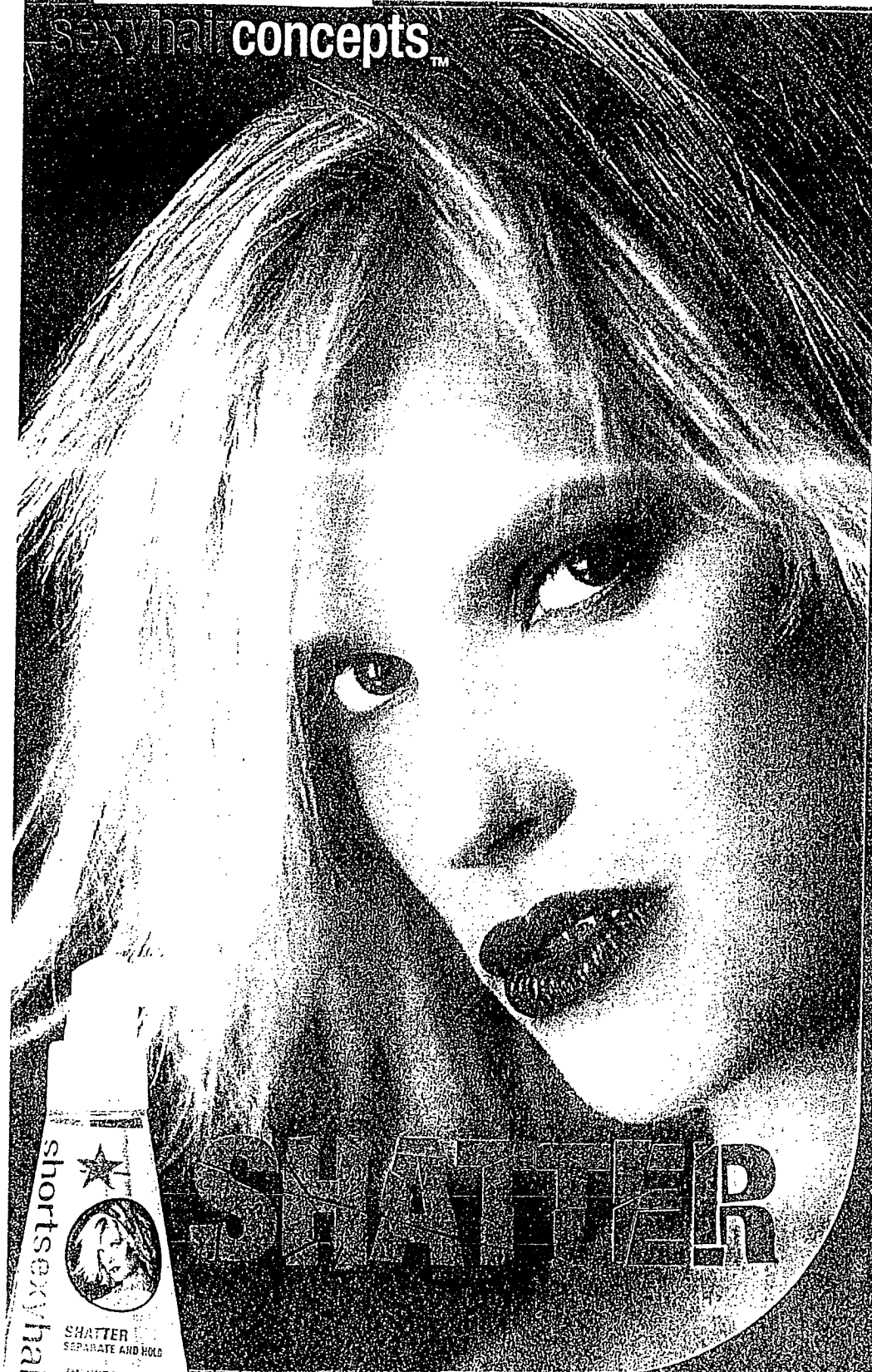
the first complete soy-based haircare line in the professional beauty industry.

"There's nothing sexier than strong, healthy hair..."

1-800-848-3383 sold only in salons ©2001 Sexy Hair Concepts

SH 0671

sex/hai concepts™



# shorts sexy hair

## SHATTER



SH 0672

For information call 1 (800) 848-2383 or go to [www.sexhai.com](http://www.sexhai.com)

sexyhair concepts™



shortsexyhair



FRENZY

**FRENZY**

SH 0673

for information call 1 (800) 846-3383 or go to [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com)

sexyhair concepts



PROPERTY OF MICHAEL CROPPER

SH 0674

[illegible]

For information call (800) 248-2233 or go to [www.scholarship.com](http://www.scholarship.com)  
 or [www.scholarship.com](http://www.scholarship.com) and click on "Scholarship" and "Apply".





# healthy sexy hair

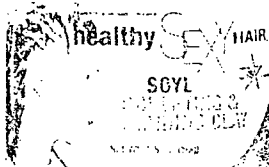
sexyhairconcepts

SH 0675

## SOYL SCULPTING AND BRAIDING CLAY

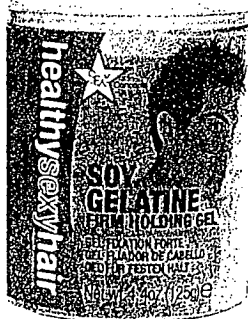
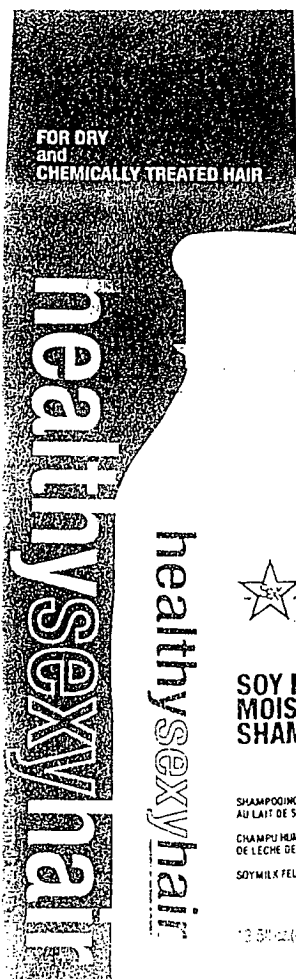
Salon Sales of Alberta Inc. ★ Alberta ★ phone 403-243-3700  
 West Coast Beauty Co. Ltd. ★ British Columbia ★ phone 604-321-2700  
 Fashion Forward ★ Ontario ★ phone 905-947-8141  
 Professional Salon Services ★ Saskatchewan ★ phone 306-384-8488  
 Obsco ★ Manitoba ★ phone 204-947-0613 or 800-665-8628  
 AB Concept ★ Quebec ★ phone 450-441-0140  
 Southwest Salon Sales ★ Ontario ★ phone 519-652-5088  
 Can-Rad Beauty Limited ★ Toronto ★ phone 416-663-7373

For Information call 1(800)848-3383 or go to [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com)



★ sexyhairconcepts.

NEW!



healthySexyhair™

PROPERTY OF MICHAEL O'ROURKE

SH 0676

For Information call 1(800)848-3383 or go to [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com)

★ sexyhairconcepts™

**NEW!**

FOR DRY  
and  
CHEMICALLY TREATED HAIR

healthySexyhair

healthySexyhair



SOY MILK  
MOISTURE  
SHAMPOO

SHAMPOONING WITH OUR  
ALL PURPOSE SOY  
SHAMPOO MOISTURIZES  
ON EVERY DEGREE  
SOY MILK & FRAGRANCE

healthySexyhair

SOY POTION  
MARACULOUS  
LEAVE-IN  
TREATMENT

healthySexyhair

SOY  
GELATINE  
FIRM HOLDING GEL

# healthySexyhair

PROPERTY OF MICHAEL O

SH 0677

11

ostituée  
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con-  
sue

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con-  
sue

bigsexyhair

NEW!

bigsexyhair

bigsexyhair

bigsexyhair

bigsexyhair

For information, call 1(800)348-3383 or go to [www.sexyhairconcept.com](http://www.sexyhairconcept.com)

For Free Information, write 419 on Reader Action Card

★ **sexyhair** CONCEPTS

hundreds  
of shapes  
but  
only  
one's  
sexy

**SPRAY & PLAY HARDER**  
FIRM VOLUMIZING HAIRSPRAY

SH 0679

It's not your mama's hairspray.

For information call 1(800)848-3383 or go to [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com)

CIRCLE 34

big sexy hair  
PROPERTY OF MICHAEL JOHNSON



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX TTAB FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514, on the date indicated below.

By: Heath Mulet-Mpei  
Date: 10/30/03

BOX TTAB FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Sexy Hair Concepts LLC,

Opposer,

v.

Basic Beauty LLC

Applicant.

Opposition No. \_\_\_\_\_

NOTICE OF OPPOSITION

Honorable Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Dear Madam:

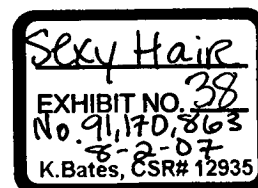
In the matter of Trademark Application Serial No. 75/719,173 for the mark "SEXY LIPS," filed June 1, 1999 and published for opposition in the Official Gazette on August 5, 2003 at page TM 141:

Sexy Hair Concepts, LLC, a California corporation having a place of business at 9232 Eton Avenue, Chatsworth, California 91311 ("Opposer"), believes that it will be damaged by the registration of the mark shown in the above-identified application and hereby opposes the same.

The grounds for opposition are as follows:

1. Basic Beauty LLC, a limited liability company organized under the laws of the State of California ("Applicant"), seeks to register "SEXY LIPS" as a trademark for use in

PHL\_A #1786901 v2  
Matter No. 087915



SH 2744

connection with cosmetic and beauty products for lips, namely lipsticks, lip pencils, lip liners, lip gloss, lip creams, lip color, lip sealant, lip conditioners, lip moisturizers and non-medicated lip balms, as evidenced by the publication of said mark in the Official Gazette on August 5, 2003 at page TM 141.

2. The application herein opposed was filed June 1, 1999 on the basis of "intent to use." Applicant claims no date earlier than June 1, 1999 for the purpose of claiming priority.

3. Opposer is and has been engaged in the development, manufacture and sale of hair care preparations, cosmetics and body care preparations and has built a successful business in connection therewith.

4. Since at least as early as June 15, 1998, Opposer, itself and through its predecessor in interest and title, has used "SEXY" and "SEXY HAIR" as the dominant element of its names and marks for hair care preparations, and as the dominant element of its names for cosmetics and body care preparations. Since at least as early as December 21, 1998, Opposer has used such name and marks in commerce in the United States for such business and such goods.

5. Information about Opposer's business and products can be found at its website, [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com).

6. Opposer has taken steps to protect the "SEXY HAIR" mark and has secured U.S. Trademark Registration Nos. 2,403,396 and 2,486,702 for "SEXY HAIR" and "SEXY HAIR & Design" for hair care preparations as identified therein. Registration Nos. 2,403,396 and 2,486,702 are valid and subsisting. A copy of the pertinent information about such registrations from the PTO database is attached as Exhibits A and B.

7. Use of the "SEXY" mark by Opposer has been continuous and commercially significant.

8. Opposer has since prior to June 1, 1999 used "Sexy Hair Concepts" and "Sexy Hair" as trade names as well as marks in connection with its business, which includes hair care products, cosmetics and body care preparations.

9. Opposer's registered trademark "SEXY HAIR," Opposer's family of "SEXY" marks, and the "Sexy Hair" and "Sexy Hair Concepts" names are inherently distinctive as applied to Opposer's products and business.

10. By virtue of Opposer's continuous use in commerce of its registered "SEXY HAIR" trademark and its family of "SEXY" marks and the "Sexy Hair" and "Sexy Hair Concepts" names in connection with such goods and business, such goods and business have become favorably known to the relevant trade and public under such marks and names.

11. Because Opposer is the owner of a U.S. trademark registration for "SEXY HAIR," priority is not in issue.

12. In the application herein opposed, there are no restrictions on trade channels, so it must be assumed that the goods identified in the application will travel through all trade channels appropriate for goods of that type.

13. Applicant's mark is confusingly similar to Opposer's registered "SEXY HAIR" trademarks to Opposer's "Sexy Hair" and "Sexy Hair Concepts" trade names.

14. Each of Opposer's marks and its names, and Applicant's mark, employ the identical term—"SEXY," as a prominent element, in connection with a body part.

15. Hair care preparations, body care preparations and cosmetics such as are sold by Opposer and as are identified in the application herein opposed are customarily marketed through the same and overlapping channels of trade.



16. The products are marketed and sold under Opposer's registered "SEXY HAIR" trademark, and through Opposer's "Sexy Hair" and "Sexy Hair Concepts" business, and the products intended to be sold under Applicant's "SEXY LIPS" mark, are such as would be sold to the same and to overlapping classes of purchasers, and particularly women.

17. Applicant's "SEXY LIPS" trademark as applied to the goods identified in the application herein opposed so resembles Opposer's registered "SEXY HAIR" trademarks, and Opposer's "Sexy Hair" and "Sexy Hair Concepts" names as used in connection with Opposer's business, that it is likely to cause confusion, mistake, and/or deception.

18. If Applicant is permitted to register "SEXY LIPS" for the goods set forth in the application, confusion of the relevant trade and public is likely to result, which will damage and injure Opposer.

19. On seeing Applicant's "SEXY LIPS" mark used in connection with Applicant's products, purchasers and potential purchasers are likely to believe in error that such goods are offered by or in association with or under license from Opposer or that Opposer and Applicant are affiliated.

20. Any defect, objection to, or fault found with Applicant's goods sold under its mark "SEXY LIPS" would necessarily reflect on and seriously injure the reputation that Opposer has established for its goods and business.

21. If Applicant is granted a registration for the mark herein opposed, it would obtain thereby at least a *prima facie* exclusive right to use the mark. Such registration would be a source of damage and injury to Opposer and Opposer's customers.

WHEREFORE, Sexy Hair Concepts LLC prays that registration of the mark of Application Serial No. 75/719,173 be refused and that this opposition be sustained.

A duplicate copy of this Notice of Opposition is enclosed herewith.

The required fee of \$300 may be charged to Deposit Account No. 02-0755 and any overpayment may be credited to this account.

Dated: 10/30/03

Respectfully submitted,

By: 

Roberta Jacobs-Meadway

Patricia G. Cramer

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

1735 Market Street, 51st Floor

Philadelphia, Pennsylvania 19103-7599

(215) 665-8500

ATTORNEYS FOR OPPOSER

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2003-10-25 15:18:16 ET

**Serial Number:** 75634213

**Registration Number:** 2403396

**Mark (words only):** SEXY HAIR

**Current Status:** Registered.

**Date of Status:** 2000-11-14

**Filing Date:** 1999-02-05

**Registration Date:** 2000-11-14

**Law Office Assigned:** TMEG Law Office 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

**Current Location:** 900 -Warehouse (Newington)

**Date In Location:** 2002-10-18

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Ecoly International, Inc.

**Address:**

Ecoly International, Inc.  
9232 Eton Avenue  
Chatsworth, CA 91311  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

---

#### GOODS AND/OR SERVICES

---

Hair care products for men, women and children, namely hair shampoos, hair conditioners, hair lotions, hair cremes, hair gels, hair sprays, hair color, hair dyes, hair rinses, hair mousse

**International Class:** 003

**First Use Date:** 1998-06-15

**First Use in Commerce Date:** 1998-12-21

**Basis:** 1(a)

SH 2749

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**ADDITIONAL INFORMATION**

---

isclaimer: "HAIR"

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**PROSECUTION HISTORY**

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2000-11-14 - Registered - Principal Register  
2000-08-22 - Published for opposition  
2000-07-21 - Notice of publication  
2000-06-03 - Approved for Pub - Principal Register (Initial exam)  
1999-12-14 - Letter of suspension mailed  
1999-10-18 - Communication received from applicant  
1999-08-17 - Non-final action mailed  
1999-08-04 - Case file assigned to examining attorney  
1999-07-30 - Case file assigned to examining attorney

---

---

**CONTACT INFORMATION**

---

**Correspondent (Owner)**

Roberta Jacobs-Meadway (Attorney of record)

ROBERTA JACOBS-MEADWAY  
AKIN GUMP STRAUSS HAUER & FELD LLP  
ONE COMMERCE SQ STE 2200  
2005 MARKET ST  
PHILADELPHIA PA 19103  
United States

---

SH 2750

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2003-10-25 15:24:43 ET

Serial Number: 75751842

Registration Number: 2486702

Mark



(words only): SEXY HAIR

Current Status: Registered.

Date of Status: 2001-09-11

Filing Date: 1999-07-15

Registration Date: 2001-09-11

Law Office Assigned: TMEG Law Office 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 - Warehouse (Newington)

Date In Location: 2002-10-18

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Ecoly International, Inc.

**Address:**

Ecoly International, Inc.  
9232 Eton Avenue  
Chatsworth, CA 91311  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

---

SH 2751

---

**GOODS AND/OR SERVICES**

---

hair care products for men, women and children, namely shampoos, conditioners, hair lotions, hair conditioning creams, hair gels, hair sprays, hair color, hair tint and hair mousse

**International Class:** 003

**First Use Date:** 1998-06-15

**First Use in Commerce Date:** 1998-12-21

**Basis:** 1(a)

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** "HAIR"

**Lining and Stippling:** THE MARK IS LINED FOR THE COLOR RED.

---

**PROSECUTION HISTORY**

---

2001-09-11 - Registered - Principal Register

2001-06-19 - Published for opposition

2001-06-06 - Notice of publication

2001-01-23 - Approved for Pub - Principal Register (Initial exam)

2000-07-05 - Communication received from applicant

2000-07-05 - Communication received from applicant

2000-06-07 - Communication received from applicant

2000-01-20 - Non-final action mailed

1999-12-15 - Case file assigned to examining attorney

1999-12-07 - Case file assigned to examining attorney

---

**CONTACT INFORMATION**

---

**Correspondent (Owner)**

Roberta Jacobs-Meadway (Attorney of record)

ROBERTA JACOBS-MEADWAY  
AKIN, GUMP, STRAUSS, HAUER & FELD, LLP  
ONE COMMERCE SQUARE  
2005 MARKET STREET, 22ND FLOOR  
PHILADELPHIA, PA 19103-7086  
United States

SH 2752

SH 2753

TRADEMARK RETURN POSTCARD

ATTY PSC SECY STMM DATE Oct 30 2003 ATTY DOCKET NO. 087915  
 CERT OF MAIL/CERT OF SERVICE/EXPRESS MAIL LABEL NO. \_\_\_\_\_  
 TM.AP/REG/OP/CANC # TBD

OF: Sephia Hair Concepts LLC v Basic Beauty LLC  
 FOR: R. Smyles

RECEIPT IS ACKNOWLEDGE BY THE USPTO  
 FOR THE FOLLOWING:

TRADEMARK APPLICATION: USE ITU  
 SPECIMENS DRAWING PAGE  
 RENEWAL APPLICATION  
 AFF/DEC 8 / 15 / 8&15  
 AMEND TO ALLEGE USE  
 STATEMENT OF USE  
 REQ.EXT. TIME FOR SOU  
 FOREIGN REG TRANSLATION  
 COUNTRY REG. NO.  
 AMEND/REQ. RECONSIDERATION

RESPONSE TO ACTION  
TRANSMITTAL LETTER  
 ASSIGN/CHG NAME/MERGER/SEC INT  
 NOTICE OF APPEAL/APPEAL BRIEF  
NOTICE OF OPPOSITION  
 PETITION TO CANCEL  
 REQ.EXT. TIME TO OPPOSE  
 PET/MOT FOR EXT. OF TIME  
 APPOINT DOMESTIC REPRESENTATIVE  
 REVOC/APPT. OF ATTORNEY

W OTHER (PAPER TITLE) \_\_\_\_\_

FEE AUTH CHARGE B.S.A.I. DEPOSIT. ACCT. #02-0755 \$ 300 -





Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street - 51<sup>st</sup> Floor  
Philadelphia, PA 19103

Attn.

*Pamela Camer*

SH 2755

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3514 ON THE DATE INDICATED BELOW.

BY:

DATE:

1/14/04

BOX TTAB – NO FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SEXY HAIR CONCEPTS, LLC

Opposer,

v.

Opposition No. 91158487

BASIC BEAUTY LLC

Applicant.

MOTION FOR ENTRY OF DEFAULT

Honorable Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

Opposer hereby respectfully moves for Default Judgment against Applicant, Basic Beauty LLC, for failure to file an answer to the above-referenced Opposition proceeding.


Applicant's answer to the Opposition was due on December 28, 2003. To date, Opposer has not been served with an answer, nor does proof of an answer filed appear on the Trademark Trial and Appeal Board's online docket database.

WHEREFORE, Opposer respectfully requests that Application Serial No.  
75/719,173 be refused registration and that this Opposition be sustained.

Respectfully submitted

**SEXY HAIR CONCEPTS, LLC**

Date: 1/14, 2004

  
Roberta Jacobs-Meadway  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street – 51<sup>st</sup> Floor  
Philadelphia, PA 19103-7599  
Telephone No. (215) 665-8500  
Facsimile No.: (215) 865-8999

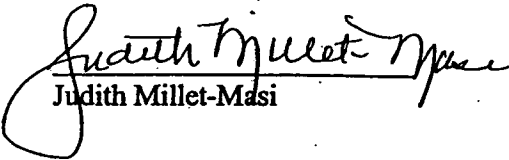
**ATTORNEYS FOR OPPOSER**

**CERTIFICATE OF SERVICE**

I, Judith Millet-Masi, certify that a true and correct copy of the attached Motion For Entry Of Default, originally filed with United States Trademark Trial and Appeal Board, on January 14, 2004 was served on counsel for the Applicant on the date listed below via facsimile and regular mail delivery.

Bryan Mashian, Esquire  
Buchalter Nemer Fields & Younger PLC  
601 S. Figueroa Street, Suite 2400  
Los Angeles, CA 90017-5704  
Facsimile No. (213) 896-0400

Date: January 14, 2004

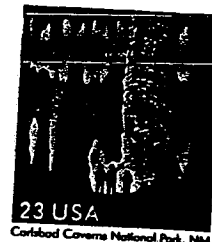
  
Judith Millet-Masi

TRADEMARK RETURN POSTCARD

ATTY PGC SEC TM DATE 1-14-04 ATTY DOCKET NO. 087915  
 CERT OF MAIL/CERT OF SERVICE/EXPRESS MAIL LABEL NO. \_\_\_\_\_  
 TM.A/P/REG/OPP/CANC # 91158487  
 OF: Sexy Hair Concepts v. Basic Beauty  
 FOR: SEXY HAIR  
 RECEIPT IS ACKNOWLEDGE BY THE USPTO FOR THE FOLLOWING:

<input type="checkbox"/> TRADEMARK APPLICATION: USE ITU	<input type="checkbox"/> RESPONSE TO ACTION
<input type="checkbox"/> SPECIMENS DRAWING PAGE	<input type="checkbox"/> TRANSMITTAL LETTER
<input type="checkbox"/> RENEWAL APPLICATION	<input type="checkbox"/> ASSIGN/CHG NAME/MERGER/SEC INT
<input type="checkbox"/> AFF/DEC 8 / 15 / 8&15	<input type="checkbox"/> NOTICE OF APPEAL/APPEAL BRIEF
<input type="checkbox"/> AMEND TO ALLEGE USE	<input type="checkbox"/> NOTICE OF OPPOSITION
<input type="checkbox"/> STATEMENT OF USE	<input type="checkbox"/> PETITION TO CANCEL
<input type="checkbox"/> REQ.EXT. TIME FOR SOU	<input type="checkbox"/> REQ.EXT. TIME TO OPPOSE
<input type="checkbox"/> FOREIGN REG	<input type="checkbox"/> PET/MOT FOR EXT. OF TIME
<input type="checkbox"/> COUNTRY	<input type="checkbox"/> APPOINT DOMESTIC REPRESENTATIVE
<input type="checkbox"/> AMEND/REQ. RECONSIDERATION	<input type="checkbox"/> REVOC/APPT OF ATTORNEY

OTHER (PAPER TITLE) Motion for Entry of Default  
 FEE AUTH CHARGE B.S.A.I. DEPOSIT: ACCT. #02-0755 \$ 91.15



Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street - 51<sup>st</sup> Floor  
Philadelphia, PA 19103

Attn. Pamela Cramer

0 USPS 2002  recycled

SH 2765

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3513 ON THE DATE INDICATED BELOW

By: Valerie Norman

DATE: 12/10/02

BOX TTAB - FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SEXY HAIR CONCEPTS, LLC

Opposer,

v.

DIAGNOSTICS & DESIGNS, INC.

Applicant

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

The Honorable Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Madam:

In the matter of trademark Application Serial No. 76/369,705 for the mark  
"SEXY HANDS" filed February 11, 2002 and published for opposition in the Official Gazette of  
September 17, 2002.

Sexy Hair Concepts, LLC, a California limited liability corporation ("SHC")  
having a place of business at 9232 Eton Avenue, Chatsworth, California, believes that it will be  
damaged by the registration of the mark shown in the above identified application for the goods  
identified therein and hereby opposes the same. The grounds for opposition are as follows:

1. Diagnostics & Designs, Inc. has filed application Serial no. 76/369,705 to  
register "SEXY HANDS" as a mark for "skin care preparations; skin scrubs" as evidenced by the  
publication of such mark for opposition in the Official Gazette of September 17, 2002.

2. SHC develops and markets skin care preparations and hair care products.
3. Since at least as early as 1998, SHC and its predecessor in interest and title (collectively, "SHC") have used "SEXY" as the dominant element of its name and marks in United States commerce for its business and its skin care preparations and hair care products.
4. Since at least as early as 1998, SHC has used "SEXY HAIR" as a name and mark in connection with its business and its goods.
5. Information about SHC's business and products can be found at its website, [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com).
6. SHC has secured U.S. trademark registrations for marks which have as the dominant element "SEXY" for the products identified therein. SHC owns, *inter alia*, U.S. Registration Nos. 2,403,396; 2,472,793; 2,486,702; and 2,553,996. Printouts from the Trademark Office's online database directed to these registrations are attached as Exhibits A-D. These registrations are valid and subsisting.
7. The "SEXY" and "SEXY HAIR" name and marks of SHC are inherently distinctive.
8. The "SEXY" and "SEXY HAIR" name and marks of SHC have achieved distinctiveness further in connection with its business and skin care preparations and hair care products by virtue of the nature and extent of SHC's use of such name and marks in commerce, and the acceptance of such products by the relevant trade and public.
9. Applicant's mark is confusingly similar to SHC's previously used "SEXY" and "SEXY HAIR" name and marks when used in connection with Applicant's goods.



10. The dominant element of Applicant's mark is "SEXY," and that term is followed by a generic designation for the body part to which the product is applied.

11. the dominant element of SHC's "SEXY HAIR" name and marks is "SEXY," and that term is followed by a generic designation for the body part to which the product is applied.

12. In each of the marks and names, "SEXY" is the dominant element.

13. The addition of generic terms for body parts to the marks which are involved in this opposition proceeding is insufficient to obviate the likelihood of confusion created by the common use of "SEXY" as the dominant element, granted the close relationship between the goods of the parties.

14. The goods of SHC and the goods of Applicant are closely related. SHC's products include skin care preparations. SHC also sells hair care products which are goods of the type customarily sold by companies which sell skin care preparations.

15. The goods of the parties are such as travel through the same and overlapping trade channels.

16. The goods of the parties are such as are purchased by the same and overlapping classes of customers.

17. SHC has federal trademark registrations for its "SEXY" and "SEXY HAIR" marks. Accordingly, priority is not in issue. SHC, in any event, has priority of use with respect to the respective name and marks.

18. Members of the relevant public and trade who are familiar with SHC's business and products, seeing Applicant's mark used in connection with Applicant's goods as

identified in the application herein opposed, are likely to believe, and would be justified in believing, that SHC and Applicant are affiliated, that Applicant uses SHC's name and marks with the authorization of SHC, or that Applicant's goods are offered by or under license from SHC as a natural extension of SHC's business.

19. Granted the likelihood of confusion between SHC's name and marks and Applicant's mark as applied to the respective business and goods of SHC and the goods of Applicant, Applicant's registration of the mark of the application herein opposed would be likely to cause injury and damage to Opposer.

20. Any objection to or fault found with Applicant's goods sold under Applicant's mark is likely to have an adverse impact on SHC and the goodwill associated with its name and marks.

21. Said registration, if issued, would accord to Applicant the prima facie exclusive right to use the mark for the goods identified in the Certificate of Registration, which prima facie right would be in derogation of SHC's rights in its "SEXY" and "SEXY HAIR" name and marks, all constituting a source of damage to SHC.

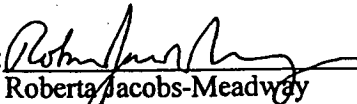
WHEREFORE, Sexy Hair Concepts, LLC prays that registration of the mark of Application Serial No. 76/369,705 for the goods identified therein be refused and that this opposition be sustained.

A duplicate of this Notice of Opposition is enclosed herewith.

Please charge the filing fee of \$300.00 to Miscellaneous Account No. 02-0755. Any additional fees in connection with this opposition may also be charged to this account and any overpayment may be credited to this account.

Respectfully submitted,

Date: 12/10/02

By:   
Robert Jacobs-Meadway  
Richard E. Peirce  
Patricia G. Cramer  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103-7599  
(215) 862-8201 - phone  
(215) 864-9950 - fax

ATTORNEYS FOR OPPOSER

**EXHIBIT A**

**SH 2573**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 12/10/2002 16:43:44 ET

Serial Number: 75634213

Registration Number: 2403396

Mark (words only): SEXY HAIR

Current Status: Registered.

Date of Status: 2000-11-14

Filing Date: 1999-02-05

Registration Date: 2000-11-14

Law Office Assigned: TMEG Law Office 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2002-10-18

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**CURRENT APPLICANT(S)/OWNER(S)**

---

1. Ecoly International, Inc.

**Address:**

Ecoly International, Inc.

9232 Eton Avenue

Chatsworth, CA 91311

United States

State or Country of Incorporation: California

Legal Entity Type: Corporation

---

**GOODS AND/OR SERVICES**

---

Hair care products for men, women and children, namely hair shampoos, hair conditioners, hair lotions, hair cremes, hair gels, hair sprays, hair color, hair dyes, hair rinses, hair mousse

International Class: 003

First Use Date: 19980615

First Use in Commerce Date: 19981221

Basis: 1(a)

SH 2574

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### ADDITIONAL INFORMATION

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Disclaimer: "HAIR"

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### PROSECUTION HISTORY

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2000-11-14 - Registered - Principal Register  
2000-08-22 - Published for opposition  
2000-07-21 - Notice of publication  
2000-06-03 - Approved for Pub - Principal Register (Initial exam)  
1999-12-14 - Letter of suspension mailed  
1999-10-18 - Communication received from applicant  
1999-08-17 - Non-final action mailed  
1999-08-04 - Case file assigned to examining attorney  
1999-07-30 - Case file assigned to examining attorney

---

---

### CONTACT INFORMATION

---

**Correspondent (Owner)**  
Roberta Jacobs-Meadway (Attorney of record)  
  
ROBERTA JACOBS-MEADWAY  
AKIN GUMP STRAUSS HAUER & FELD LLP  
ONE COMMERCE SQ STE 2200  
2005 MARKET ST  
PHILADELPHIA PA 19103  
United States

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SH 2575

**EXHIBIT B**

**SH 2576**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 12/10/2002 16:44:06 ET

Serial Number: 75730741

Registration Number: 2472793

Mark (words only): FORMULAS BY ECOLY BIG SEXY HAIR

Current Status: Registered.

Date of Status: 2001-07-31

Filing Date: 1999-06-17

Registration Date: 2001-07-31

Law Office Assigned: TMEG Law Office 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2002-10-18

---

**CURRENT APPLICANT(S)/OWNER(S)**

---

1. Ecoly International, Inc.

**Address:**

Ecoly International, Inc.  
9232 Eton Avenue  
Chatsworth, CA 91311  
United States

**State or Country of Incorporation:** California

**Legal Entity Type:** Corporation

---

**GOODS AND/OR SERVICES**

---

Hair care products for men, women and children, namely hair shampoos, hair conditioners, hair lotions, hair cremes, hair gels, hair sprays, hair color, hair dyes, hair rinses, hair mousse

**International Class:** 003

**First Use Date:** 19980615

**First Use in Commerce Date:** 19981221

**Basis:** 1(a)

SH 2577



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**ADDITIONAL INFORMATION**

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**Disclaimer:** "HAIR"

**Prior Registration Number(s):**  
1866675

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**PROSECUTION HISTORY**

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2001-07-31 - Registered - Principal Register  
2001-05-08 - Published for opposition  
2001-04-25 - Notice of publication  
2000-11-06 - Approved for Pub - Principal Register (Initial exam)  
2000-03-31 - Communication received from applicant  
1999-10-28 - Non-final action mailed  
1999-09-27 - Case file assigned to examining attorney  
1999-09-27 - Case file assigned to examining attorney

---

**CONTACT INFORMATION**

---

**Correspondent (Owner)**  
Roberta Jacobs-Meadway (Attorney of record)

ROBERTA JACOBS-MEADWAY  
AKIN GUMP STRAUSS HAUER & FELD LLP  
2005 MARKET ST 22ND FL  
ONE COMMERCE SQ  
PHILADELPHIA PA 19103-7086  
United States

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SH 2578

**EXHIBIT C**

**SH 2579**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 12/10/2002 16:44:20 ET

Serial Number: 75751842

Registration Number: 2486702

Mark



(words only): SEXY HAIR

Current Status: Registered.

Date of Status: 2001-09-11

Filing Date: 1999-07-15

Registration Date: 2001-09-11

Law Office Assigned: TMEG Law Office 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 900 - Warehouse (Newington)

Date In Location: 2002-10-18

---

**CURRENT APPLICANT(S)/OWNER(S)**

---

1. Ecoly International, Inc.

**Address:**

Ecoly International, Inc.  
9232 Eton Avenue  
Chatsworth, CA 91311  
United States

**State or Country of Incorporation:** California

**Legal Entity Type:** Corporation

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SH 2580

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**GOODS AND/OR SERVICES**

---

hair care products for men, women and children, namely shampoos, conditioners, hair lotions, hair conditioning creams, hair gels, hair sprays, hair color, hair tint and hair mousse

**International Class:** 003

**First Use Date:** 19980615

**First Use in Commerce Date:** 19981221

**Basis:** 1(a)

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** "HAIR"

**Lining and Stippling:** THE MARK IS LINED FOR THE COLOR RED.

---

**PROSECUTION HISTORY**

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2001-09-11 - Registered - Principal Register

2001-06-19 - Published for opposition

2001-06-06 - Notice of publication

2001-01-23 - Approved for Pub - Principal Register (Initial exam)

2000-07-05 - Communication received from applicant

2000-07-05 - Communication received from applicant

2000-06-07 - Communication received from applicant

2000-01-20 - Non-final action mailed

1999-12-15 - Case file assigned to examining attorney

1999-12-07 - Case file assigned to examining attorney

---

**CONTACT INFORMATION**

---

**Correspondent (Owner)**

Roberta Jacobs-Meadway (Attorney of record)

ROBERTA JACOBS-MEADWAY  
AKIN, GUMP, STRAUSS, HAUER & FELD, LLP  
ONE COMMERCE SQUARE  
2005 MARKET STREET, 22ND FLOOR  
PHILADELPHIA, PA 19 103-7086  
United States

SH 2581

SH 2582

**EXHIBIT D**

**SH 2583**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 12/10/2002 16:44:32 ET

Serial Number: 76075306

Registration Number: 2553996

Mark (words only): HOT SEXY HIGHLIGHTS

Current Status: Registered.

Date of Status: 2002-03-26

Filing Date: 2000-06-22

Registration Date: 2002-03-26

Law Office Assigned: TMO Law Office 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2002-10-18

---

**CURRENT APPLICANT(S)/OWNER(S)**

---

1. Ecoly International, Inc.

**Address:**

Ecoly International, Inc.

9232 Eton Avenue

Chatsworth, CA 91311

United States

State or Country of Incorporation: California

Legal Entity Type: Corporation

---

**GOODS AND/OR SERVICES**

---

hair care products for men, women and children, namely, shampoos, conditioners, hair lotions, hair conditioning creams, hair gels, hair sprays, hair color, hair tint and hair mousse

International Class: 003

First Use Date: 20000700

First Use in Commerce Date: 20000700

Basis: 1(a)

SH 2584

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### ADDITIONAL INFORMATION

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Disclaimer: "HIGHLIGHTS"

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### PROSECUTION HISTORY

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2002-03-26 - Registered - Principal Register  
2001-08-31 - Allowed for Registration - Principal Register (SOU accepted)  
2001-08-08 - Statement of use processing complete  
2001-07-26 - Amendment to Use filed  
2001-06-19 - Notice of allowance - mailed  
2001-03-27 - Published for opposition  
2001-03-14 - Notice of publication  
2001-01-05 - Approved for Pub - Principal Register (Initial exam)  
2000-12-20 - Examiner's amendment mailed  
2000-12-04 - Case file assigned to examining attorney

---

---

### CONTACT INFORMATION

---

**Correspondent (Owner)**  
ROBERTA JACOBS-MEADWAY (Attorney of record)

ROBERTA JACOBS-MEADWAY  
BALLARD SPAHR ANDREWS & INGERSOLL LLP  
1735 MARKET STREET  
51ST FLOOR  
PHILADELPHIA PA 19103-7599  
United States

---

SH 2585



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST  
CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE  
COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE,  
ARLINGTON, VA 22202-3513 ON THE DATE INDICATED BELOW

By: [Signature]  
DATE: 8.14.03

EXHIBIT E

BOX TTAB - NO FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SEXY HAIR CONCEPTS, LLC

Opposer,

v.

DIAGNOSTICS & DESIGNS, INC.

Applicant.

Opposition No. 155,066

WITHDRAWAL OF NOTICE OF OPPOSITION ON CONSENT

Pursuant to an Agreement between the parties and with Applicant's consent,  
Opposer hereby withdraws without prejudice opposition to registration of the mark of  
Application Serial No. 76/369,705 for "SEXY HANDS."

Respectfully submitted,

By: [Signature]  
Roberta Jacoby-Meadway  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103  
215/665-8500

Attorneys for Opposer

Applicant hereby consents to the withdrawal of the opposition.

By: [Signature]  
Lori M. Stockton  
Blakely Sokoloff Taylor & Zafman  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025

Attorneys for Applicant

SH 2566

TRADEMARK RETURN POSTCARD

ATTY PBC SECY OMM DATE 8/14/03 ATTY DOCKET NO. 899773  
 CERT OF MAIL/CERT OF SERVICE/EXPRESS MAIL LABEL NO. \_\_\_\_\_  
 TM.AP/REG/OPP/CANC# 155,066  
 OF: Sexy Hair Concepts, LLC v. Wignashen Designs, PC.  
 FOR: \_\_\_\_\_  
 RECEIPT IS ACKNOWLEDGE BY THE USPTO FOR THE FOLLOWING:

<input type="checkbox"/> TRADEMARK APPLICATION: USE <u>ITU</u>	<input type="checkbox"/> RESPONSE TO ACTION
<input type="checkbox"/> SPECIMENS <u>DRAWING PAGE</u>	<input type="checkbox"/> TRANSMITTAL LETTER
<input type="checkbox"/> RENEWAL APPLICATION	<input type="checkbox"/> ASSIGN/CHG NAME/MERGER/SEC INT
<input type="checkbox"/> AFF/DEC 8 / 15 / 8&15	<input type="checkbox"/> NOTICE OF APPEAL/APPEAL BRIEF
<input type="checkbox"/> AMEND TO ALLEGE USE	<input type="checkbox"/> NOTICE OF OPPOSITION
<input type="checkbox"/> STATEMENT OF USE	<input type="checkbox"/> PETITION TO CANCEL
<input type="checkbox"/> REQ.EXT. TIME FOR SOU	<input type="checkbox"/> REQ.EXT. TIME TO OPPOSE
<input type="checkbox"/> FOREIGN REG <u>TRANSLATION</u>	<input type="checkbox"/> PET/MOT FOR EXT. OF TIME
<input type="checkbox"/> COUNTRY <u>REG. NO.</u>	<input type="checkbox"/> APPOINT DOMESTIC REPRESENTATIVE
<input type="checkbox"/> AMEND/REQ. RECONSIDERATION	<input type="checkbox"/> REVOC/APPT. OF ATTORNEY

OTHER (PAPER TITLE) Withdrawal of Notice of Opposition Consent

and FEE AUTH CHARGE B.S.A.I. DEPOSIT. ACCT. #02-4755 \$ 11.00

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST  
CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE  
COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE,  
ARLINGTON, VA 22202-3513 ON THE DATE INDICATED BELOW

By: Jeannette J. Lybeert

DATE: April 1, 2003

BOX TTAB - FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SEXY HAIR CONCEPTS, LLC

Opposer,

v.

DIAGNOSTICS & DESIGNS, INC.

Applicant

Opposition No. \_\_\_\_\_

NOTICE OF OPPOSITION

The Honorable Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Madam:

In the matter of trademark Application Serial No. 76/374,826 for the mark  
"SEXY SKIN" filed February 25, 2002 and published for opposition in the Official Gazette of  
January 28, 2003.

Sexy Hair Concepts, LLC, a California limited liability corporation ("SHC")  
having a place of business at 9232 Eton Avenue, Chatsworth, California, believes that it will be  
damaged by the registration of the mark shown in the above identified application for the goods  
identified therein and hereby opposes the same. The grounds for opposition are as follows:

1. Diagnostics & Designs, Inc. has filed application Serial no. 76/374,826 to  
register "SEXY SKIN" as a mark for "non-medicated skin care preparations, body butter, skin

moisturizers” as evidenced by the publication of such mark for opposition in the Official Gazette of January 28, 2003.

2. SHC develops and markets skin care preparations and hair care products.
3. Since at least as early as 1998, SHC and its predecessor in interest and title (collectively, “SHC”) have used “SEXY” as the dominant element of its name and marks in United States commerce for its business and its skin care preparations and hair care products.
4. Since at least as early as 1998, SHC has used “SEXY HAIR” as a name and mark in connection with its business and its goods.
5. Information about SHC’s business and products can be found at its website, [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com).
6. SHC has secured U.S. trademark registrations for marks which have as the dominant element “SEXY” for the products identified therein. SHC owns, *inter alia*, U.S. Registration Nos. 2,403,396; 2,472,793; 2,486,702; and 2,553,996. Printouts from the Trademark Office’s online database directed to these registrations are attached as Exhibits A-D. These registrations are valid and subsisting.
7. The “SEXY” and “SEXY HAIR” name and marks of SHC are inherently distinctive.
8. The “SEXY” and “SEXY HAIR” name and marks of SHC have achieved distinctiveness further in connection with its business and skin care preparations and hair care products by virtue of the nature and extent of SHC’s use of such name and marks in commerce, for and the acceptance of such products by the relevant trade and public, including SEXY BATH

& BODY, for skin care products, namely liquid body wash, moisturizing lotions, shampoos and conditioners.

9. Applicant's mark is confusingly similar to SHC's previously used "SEXY" and "SEXY HAIR" name and marks when used in connection with Applicant's goods.

10. The dominant element of Applicant's mark is "SEXY," and that term is followed by a generic designation for the body part to which the product is applied.

11. The dominant element of SHC's "SEXY HAIR" name and marks is "SEXY," and that term is followed by a generic designation for the body part to which the product is applied.

12. In each of the marks and names, "SEXY" is the dominant element.

13. The addition of generic terms for body parts to the marks which are involved in this opposition proceeding is insufficient to obviate the likelihood of confusion created by the common use of "SEXY" as the dominant element, granted the close relationship between the goods of the parties.

14. The goods of SHC and the goods of Applicant are closely related. SHC's products include skin care preparations. SHC also sells hair care products which are goods of the type customarily sold by companies which sell skin care preparations.

15. The goods of the parties are such as travel through the same and overlapping trade channels.

16. The goods of the parties are such as are purchased by the same and overlapping classes of customers.

17. SHC has federal trademark registrations for its "SEXY" and "SEXY HAIR" marks. Accordingly, priority is not in issue. SHC, in any event, has priority of use with respect to the respective name and marks.

18. Members of the relevant public and trade who are familiar with SHC's business and products, seeing Applicant's mark used in connection with Applicant's goods as identified in the application herein opposed, are likely to believe, and would be justified in believing, that SHC and Applicant are affiliated, that Applicant uses SHC's name and marks with the authorization of SHC, or that Applicant's goods are offered by or under license from SHC as a natural extension of SHC's business.

19. Granted the likelihood of confusion between SHC's name and marks and Applicant's mark as applied to the respective business and goods of SHC and the goods of Applicant, Applicant's registration of the mark of the application herein opposed would be likely to cause injury and damage to SHC.

20. Any objection to or fault found with Applicant's goods sold under Applicant's mark is likely to have an adverse impact on SHC and the goodwill associated with its name and marks.

21. Said registration, if issued, would accord to Applicant the prima facie exclusive right to use the mark for the goods identified in the Certificate of Registration, which prima facie right would be in derogation of SHC's rights in its "SEXY" and "SEXY HAIR" name and marks, all constituting a source of damage to SHC.

WHEREFORE, Sexy Hair Concepts, LLC prays that registration of the mark of Application Serial No. 76/374,826 for the goods identified therein be refused and that this opposition be sustained.


A duplicate of this Notice of Opposition is enclosed herewith.

Please charge the filing fee of \$300.00 to Miscellaneous Account No. 02-0755.

Any additional fees in connection with this opposition may also be charged to this account and any overpayment may be credited to this account.

Respectfully submitted,

Date: 4/1/03

By:   
Roberta Jacobs-Meadway  
Patricia G. Cramer  
Bryn L. Dubow  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103-7599  
(215) 862-8201 - phone  
(215) 864-9950 - fax

ATTORNEYS FOR OPPOSER

atest Status Info

KXMait IT

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2003-03-31 11:13:33 ET

Serial Number: 75634213

Registration Number: 2403396

Mark (words only): SEXY HAIR

Current Status: Registered.

Date of Status: 2000-11-14

Filing Date: 1999-02-05

Registration Date: 2000-11-14

Law Office Assigned: TMEG Law Office 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2002-10-18

---

**CURRENT APPLICANT(S)/OWNER(S)**

---

1. Ecoly International, Inc.

**Address:**

Ecoly International, Inc.

9232 Eton Avenue

Chatsworth, CA 91311

United States

State or Country of Incorporation: California

Legal Entity Type: Corporation

---

**GOODS AND/OR SERVICES**

---

Hair care products for men, women and children, namely hair shampoos, hair conditioners, hair lotions, hair cremes, hair gels, hair sprays, hair color, hair dyes, hair rinses, hair mousse

International Class: 003

First Use Date: 1998-06-15

First Use in Commerce Date: 1998-12-21

Basis: 1(a)

SH 2557

<http://tarr.uspto.gov/servlet/tarr?regser=registration&entry=2403396>

3/31/2003



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**ADDITIONAL INFORMATION**

---

sclainer: "HAIR"

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**PROSECUTION HISTORY**

---

2000-11-14 - Registered - Principal Register  
2000-08-22 - Published for opposition  
2000-07-21 - Notice of publication  
2000-06-03 - Approved for Pub - Principal Register (Initial exam)  
1999-12-14 - Letter of suspension mailed  
1999-10-18 - Communication received from applicant  
1999-08-17 - Non-final action mailed  
1999-08-04 - Case file assigned to examining attorney  
1999-07-30 - Case file assigned to examining attorney

---

**CONTACT INFORMATION**

---

**Correspondent (Owner)**  
Roberta Jacobs-Meadway (Attorney of record)

ROBERTA JACOBS-MEADWAY  
AKIN GUMP STRAUSS HAUER & FELD LLP  
ONE COMMERCE SQ STE 2200  
2005 MARKET ST  
PHILADELPHIA PA 19103  
United States

---

SH 2558

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2003-03-31 11:14:23 ET

Serial Number: 75730741

Registration Number: 2472793

Mark (words only): FORMULAS BY ECOLY BIG SEXY HAIR

Current Status: Registered.

Date of Status: 2001-07-31

Filing Date: 1999-06-17

Registration Date: 2001-07-31

Law Office Assigned: TMEG Law Office 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2002-10-18

---

**CURRENT APPLICANT(S)/OWNER(S)**

---

1. Ecoly International, Inc.

**Address:**

Ecoly International, Inc.

9232 Eton Avenue

Chatsworth, CA 91311

United States

State or Country of Incorporation: California

Legal Entity Type: Corporation

---

**GOODS AND/OR SERVICES**

---

Hair care products for men, women and children, namely hair shampoos, hair conditioners, hair lotions, hair cremes, hair gels, hair sprays, hair color, hair dyes, hair rinses, hair mousse

International Class: 003

First Use Date: 1998-06-15

First Use in Commerce Date: 1998-12-21

Basis: 1(a)

SH 2559

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**ADDITIONAL INFORMATION**

---

**claimer: "HAIR"**

**Prior Registration Number(s):**  
866675

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**PROSECUTION HISTORY**

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2001-07-31 - Registered - Principal Register  
2001-05-08 - Published for opposition  
2001-04-25 - Notice of publication  
2000-11-06 - Approved for Pub - Principal Register (Initial exam)  
2000-03-31 - Communication received from applicant  
1999-10-28 - Non-final action mailed  
1999-09-27 - Case file assigned to examining attorney  
1999-09-27 - Case file assigned to examining attorney

---

**CONTACT INFORMATION**

---

**Correspondent (Owner)**  
Roberta Jacobs-Meadway (Attorney of record)

ROBERTA JACOBS-MEADWAY  
AKIN GUMP STRAUSS HAUER & FELD LLP  
2005 MARKET ST 22ND FL  
ONE COMMERCE SQ  
PHILADELPHIA PA 19103-7086  
United States

SH 2560

*Exhibit C*

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2003-03-31 11:15:01 ET

Serial Number: 75751842

Registration Number: 2486702

Mark



(words only): SEXY HAIR

Current Status: Registered.

Date of Status: 2001-09-11

Filing Date: 1999-07-15

Registration Date: 2001-09-11

Law Office Assigned: TMEG Law Office 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 900 -Warehouse (Newington)

Date In Location: 2002-10-18

---

**CURRENT APPLICANT(S)/OWNER(S)**

---

1. Ecoly International, Inc.

**Address:**

Ecoly International, Inc.

9232 Eton Avenue

Chatsworth, CA 91311

United States

State or Country of Incorporation: California

Legal Entity Type: Corporation

---

SH 2561

## GOODS AND/OR SERVICES

air care products for men, women and children, namely shampoos, conditioners, hair lotions, hair conditioning  
ms, hair gels, hair sprays, hair color, hair tint and hair mousse

nternational Class: 003

First Use Date: 1998-06-15

First Use in Commerce Date: 1998-12-21

Basis: 1(a)

## ADDITIONAL INFORMATION

Disclaimer: "HAIR"

Lining and Stippling: THE MARK IS LINED FOR THE COLOR RED.

## PROSECUTION HISTORY

2001-09-11 - Registered - Principal Register

2001-06-19 - Published for opposition

2001-06-06 - Notice of publication

2001-01-23 - Approved for Pub - Principal Register (Initial exam)

00-07-05 - Communication received from applicant

2000-07-05 - Communication received from applicant

2000-06-07 - Communication received from applicant

2000-01-20 - Non-final action mailed

1999-12-15 - Case file assigned to examining attorney

1999-12-07 - Case file assigned to examining attorney

## CONTACT INFORMATION

Correspondent (Owner)

Roberta Jacobs-Meadway (Attorney of record)

ROBERTA JACOBS-MEADWAY  
AKIN, GUMP, STRAUSS, HAUER & FELD, LLP  
ONE COMMERCE SQUARE  
2005 MARKET STREET, 22ND FLOOR  
PHILADELPHIA, PA 19103-7086  
United States

SH 2562

*Exhibit D*

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2003-03-31 11:21:04 ET

Serial Number: 76075306

Registration Number: 2553996

Mark (words only): HOT SEXY HIGHLIGHTS

Current Status: Registered.

Date of Status: 2002-03-26

Filing Date: 2000-06-22

Registration Date: 2002-03-26

Law Office Assigned: TMO Law Office 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2002-10-18

---

**CURRENT APPLICANT(S)/OWNER(S)**

---

I. Ecoly International, Inc.

**Address:**

Ecoly International, Inc.  
9232 Eton Avenue  
Chatsworth, CA 91311  
United States

State or Country of Incorporation: California

Legal Entity Type: Corporation

---

**GOODS AND/OR SERVICES**

---

hair care products for men, women and children, namely, shampoos, conditioners, hair lotions, hair creams, hair gels, hair sprays, hair color, hair tint and hair mousse

International Class: 003

First Use Date: 2000-07-00

First Use in Commerce Date: 2000-07-00

Basis: 1(a)

SH 2563

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**ADDITIONAL INFORMATION**

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claimant: "HIGHLIGHTS"

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**PROSECUTION HISTORY**

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2002-03-26 - Registered - Principal Register  
 2001-08-31 - Allowed for Registration - Principal Register (SOU accepted)  
 2001-08-08 - Statement of use processing complete  
 2001-07-26 - Amendment to Use filed  
 2001-06-19 - Notice of allowance - mailed  
 2001-03-27 - Published for opposition  
 2001-03-14 - Notice of publication  
 2001-01-05 - Approved for Pub - Principal Register (Initial exam)  
 2000-12-20 - Examiner's amendment mailed  
 2000-12-04 - Case file assigned to examining attorney

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**CONTACT INFORMATION**

---

**Correspondent (Owner)**  
 ROBERTA JACOBS-MEADWAY (Attorney of record)

ROBERTA JACOBS-MEADWAY  
 BALLARD SPAHR ANDREWS & INGERSOLL LLP  
 1735 MARKET STREET  
 51ST FLOOR  
 PHILADELPHIA PA 19103-7599  
 United States

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SH 2564

ATTY DGC SECY JL DATE 11/1/23 ATTY DOCKET NO. 082830  
 CERT OF MAIL/CERT OF SERVICE/EXPRESS MAIL LABEL NO. \_\_\_\_\_  
 TM.AP/REG/OP/CANC # TBD  
 OF: SEX4 HAIR CONCEPTS, LLC  
 FOR: SEX4 SKIN  
 RECEIPT IS ACKNOWLEDGE BY THE USPTO FOR THE FOLLOWING:

<input type="checkbox"/> TRADEMARK APPLICATION: USE ITU	<input type="checkbox"/> RESPONSE TO ACTION
<input type="checkbox"/> SPECIMENS DRAWING PAGE	<input checked="" type="checkbox"/> TRANSMITTAL LETTER
<input type="checkbox"/> RENEWAL APPLICATION	<input type="checkbox"/> ASSIGN/CHG NAME/MERGER/SEC INT
<input type="checkbox"/> AFF/DEC 8 / 15 / 8&15	<input type="checkbox"/> NOTICE OF APPEAL/APPEAL BRIEF
<input type="checkbox"/> AMEND TO ALLEGE USE	<input checked="" type="checkbox"/> NOTICE OF OPPOSITION
<input type="checkbox"/> STATEMENT OF USE	<input type="checkbox"/> PETITION TO CANCEL
<input type="checkbox"/> REQ.EXT. TIME FOR SOU	<input type="checkbox"/> REQ.EXT. TIME TO OPPOSE
<input type="checkbox"/> FOREIGN REG TRANSLATION	<input type="checkbox"/> PET/MOT FOR EXT. OF TIME
<input type="checkbox"/> COUNTRY REG. NO.	<input type="checkbox"/> APPOINT DOMESTIC REPRESENTATIVE
<input type="checkbox"/> AMEND/REQ. RECONSIDERATION	<input type="checkbox"/> REVOC/APPT. OF ATTORNEY

OTHER (PAPER TITLE) \_\_\_\_\_

FEE AUTH CHARGE B.S.A.I. DEPOSIT. AC'T. #02-0755 \$ 300.00



# RECORDATION FORM COVER SHEET TRADEMARKS ONLY

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Diagnostics &amp; Designs, Inc.

- ☐ Individual(s)                      ☐ Association  
☐ General Partnership              ☐ Limited Partnership  
☒ Corporation-State CA  
☐ Other \_\_\_\_\_

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

- ☒ Assignment                      ☐ Merger  
☐ Security Agreement              ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: July 10, 2003

## 2. Name and address of receiving party(ies)

Name: Sexy Hair Concepts, LLC

Internal

Address: \_\_\_\_\_

Street Address: 9232 Eton AvenueCity: Chatsworth State: CA Zip: 91311

- ☐ Individual(s) citizenship \_\_\_\_\_  
☐ Association \_\_\_\_\_  
☐ General Partnership \_\_\_\_\_  
☐ Limited Partnership \_\_\_\_\_  
☒ Corporation-State CA  
☐ Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached: ☐ Yes ☐ No  
 (Designations must be a separate document from assignment)  
 Additional name(s) & address(es) attached? ☐ Yes ☐ No

## 4. Application number(s) or registration number(s):

A. Trademark Application No.(s) 76/369,705  
76/374,826

B. Trademark Registration No.(s) \_\_\_\_\_

Additional number(s) attached ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Roberta Jacobs-Meadway, Esquire

Internal Address: Ballard Spahr Andrews &  
Ingersoll, LLP

51st FloorStreet Address: 1735 Market StreetCity: Philadelphia State: PA Zip: 19103-7599

## 6. Total number of applications and registrations involved: \_\_\_\_\_

27. Total fee (37 CFR 3.41).....\$ 65

- ☐ Enclosed  
☒ Authorized to be charged to deposit account

## 8. Deposit account number:

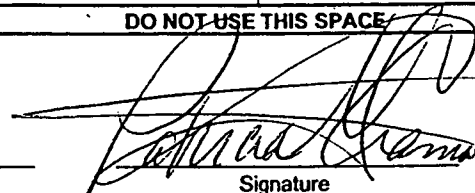
02-0755

DO NOT USE THIS SPACE

## 9. Signature.

Patricia G. Cramer

Name of Person Signing



Signature

8/12/03

Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:  
 Commissioner of Patent & Trademarks, Box Assignments  
 Washington, D.C. 20231

SH 2537

EXHIBIT C

ASSIGNMENT OF TRADEMARKS

WHEREAS, Diagnostics & Designs, Inc., a California corporation, having a business address of 13918 Equitable Road, Cerritos, CA, 90703 ("D&D"), has filed U.S. trademark application Serial No. 76/369,705 for "SEXY HANDS" and U.S. trademark application Serial No. 76/374,826 for "SEXY SKIN"; and

WHEREAS, Sexy Hair Concepts, LLC, a California corporation having an address of 9232 Eton Avenue, Chatsworth, CA 91311 ("SHC"), is desirous of acquiring all right, title and interest in and to said trademark, and the goodwill associated therewith, and applications therefor; and

WHEREAS, it is desired that the assignment of said trademarks and applications be made of record in the United States Patent and Trademark Office; and

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and intending to be legally bound hereby, D&D hereby irrevocably assigns, sells, conveys, transfers and delivers to SHC all rights, title and interest in and to said trademarks, and the goodwill of the business associated therewith, and the applications therefor.

DIAGNOSTICS & DESIGNS, INC.

Dated: 7/10/03

By: [Signature]

Name: JOSE OLIVERI

Title: CEO

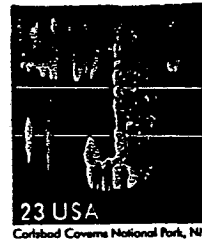
SH 2538

TRADEMARK RETURN POSTCARD

ATTY PGC SECY JMM DATE 8/12/03 ATTY DOCKET NO. 02830  
 CERT OF MAIL/CERT OF SERVICE/EXPRESS MAIL LABEL NO. 899773  
 TM APPREG/OPPC/ANC # 76/365, 705 and 76/374, 826  
 OF: Diagnoshes + Designs, Inc  
 FOR: SEXY HAIR SEXY SKIN  
 RECEIPT IS ACKNOWLEDGE BY THE USPTO FOR THE FOLLOWING:

- |                                                     |                                       |                              |                                                          |
|-----------------------------------------------------|---------------------------------------|------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> TRADEMARK APPLICATION      | <input type="checkbox"/> USE          | <input type="checkbox"/> ITU | <input type="checkbox"/> RESPONSE TO ACTION              |
| <input type="checkbox"/> SPECIMENS                  | <input type="checkbox"/> DRAWING PAGE |                              | <input type="checkbox"/> TRANSMITTAL LETTER              |
| <input type="checkbox"/> RENEWAL APPLICATION        |                                       |                              | <input type="checkbox"/> ASSIGN/CHG NAME/MERGER/SEC INT  |
| <input type="checkbox"/> AFF/DEC 8 / 15 / 8&15      |                                       |                              | <input type="checkbox"/> NOTICE OF APPEAL/APPEAL BRIEF   |
| <input type="checkbox"/> AMEND TO ALLEGIE USE       |                                       |                              | <input type="checkbox"/> NOTICE OF OPPOSITION            |
| <input type="checkbox"/> STATEMENT OF USE           |                                       |                              | <input type="checkbox"/> PETITION TO CANCEL              |
| <input type="checkbox"/> REQ. EXT. TIME FOR SOU     |                                       |                              | <input type="checkbox"/> REQ. EXT. TIME TO OPPOSE        |
| <input type="checkbox"/> FOREIGN REG                | <input type="checkbox"/> TRANSLATION  |                              | <input type="checkbox"/> PET/MOT FOR EXT. OF TIME        |
| <input type="checkbox"/> COUNTRY                    | <input type="checkbox"/> REG. NO.     |                              | <input type="checkbox"/> APPOINT DOMESTIC REPRESENTATIVE |
| <input type="checkbox"/> AMEND/REQ. RECONSIDERATION |                                       |                              | <input type="checkbox"/> REVOC/APPT. OF ATTORNEY         |

OTHER (PAPER TITLE) Recordation Form + Assignment from  
Diagnoshes + Designs, Inc to Sexy Hair Concepts  
 FEE AUTH CHARGE B.S.A.I. DEPOSIT. ACCT. #02-07555 65-



Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street - 51<sup>st</sup> Floor  
Philadelphia, PA 19103

Attn. Pamela E. Garner

100% RECYCLED PAPER

SH 2540

## SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into as of July 10, 2003 between Sexy Hair Concepts, LLC ("SHC"), a California limited liability company having an address of 9232 Eton Avenue, Chatsworth, California, 91311, and Diagnostics & Designs, Inc. (D&D), a California corporation having an address of 13918 Equitable Road, Cerritos, California, 90703.

WHEREAS, D&D on February 11, 2003 filed application Serial No. 76/369,705 for "SEXY HANDS," for skin care preparations; skin scrubs (the "SEXY HANDS Application"); and on February 25, 2003 filed application Serial No. 76/374,826, for "SEXY SKIN" for non-medicated skin care preparations, body butter, skin moisturizers (the "SEXY SKIN Application," and together with the SEXY HANDS Application, the "D&D Applications"); and

WHEREAS, D&D began commercial use of the mark of the SEXY HANDS in interstate commerce as early as July 11, 2002, as evidenced by the packaging set forth as Exhibit A attached hereto, and invoices for the goods evidencing the first use of the mark of the SEXY HANDS application as set forth as Exhibit B attached hereto; and

WHEREAS, SHC has opposed registration of the marks of the D&D Applications; and

WHEREAS, the parties have exchanged information and materials and wish to resolve amicably the dispute between them; and

NOW, THEREFORE, in consideration of the foregoing and in consideration of the undertakings of the parties set forth hereinafter, and intending to be legally bound, the parties agree as follows:

1. D&D will contemporaneously with the execution of this Agreement, execute and deliver to SHC an Assignment of Trademarks in the form of Exhibit C attached hereto.

SH 2541

2. In connection with the SEXY HANDS Application, D&D shall deliver to SHC an executed Statement of Use (the "Statement of Use") in the form set forth as Exhibit D hereto.

3. D&D shall on the request of SHC and at SHC's expense provide such further cooperation to SHC in connection with the filing of the Statement of Use for the SEXY HANDS Application.

4. Concurrent with the execution and delivery of this Agreement, the Assignment of Trademarks and Statement of Use, SHC grants to D&D the right and license to use SEXY HANDS for skin care preparations; skin scrubs for the period beginning from the date hereof until January 10, 2004 (the "License").

5. During the term of the License granted herein, D&D will not materially alter the products sold under the mark of the SEXY HANDS Application, or the packaging for such products, of the promotion for such products. No new products will be introduced by D&D under the mark of the SEXY HANDS Application during the term of this License.

6. D&D shall promptly initiate steps to phase out use of SEXY HANDS and shall have completed its phase out of SEXY HANDS on or before the expiration of the License granted herein.

7. Within five (5) business days of the date of its receipt of the Agreement, the Assignment of Trademarks executed on behalf of D&D, and the Statement of Use, SHC shall remit to D&D the sum of \$7,500. SHC will not, until such payment is sent, file the Statement of Use or Assignment of Trademarks with the U.S. Patent & Trademark Office.

8. D&D consents to the withdrawal of Notices of Opposition Nos. 155,066 and 156,053 and the parties will cause their counsel to execute and file the Withdrawals of Opposition for each of the D&D Applications in the forms attached as Exhibits E and F.

9. This Agreement shall be binding upon and inure to the benefit of the parties hereto, and their respective successors, assigns, related companies and affiliates.

10. This Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and there are no other agreements or understandings, whether oral or written, express or implied.

11. This Agreement may be modified or amended only by written agreement signed by both of the parties hereto.

12. This Agreement may be executed in counterparts which, taken together, shall comprise one single legal instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

SEXY HAIR CONCEPTS, LLC

By: 

Name: Mark Stiller

Title: Chief Financial Officer

DIAGNOSTICS & DESIGNS, INC.

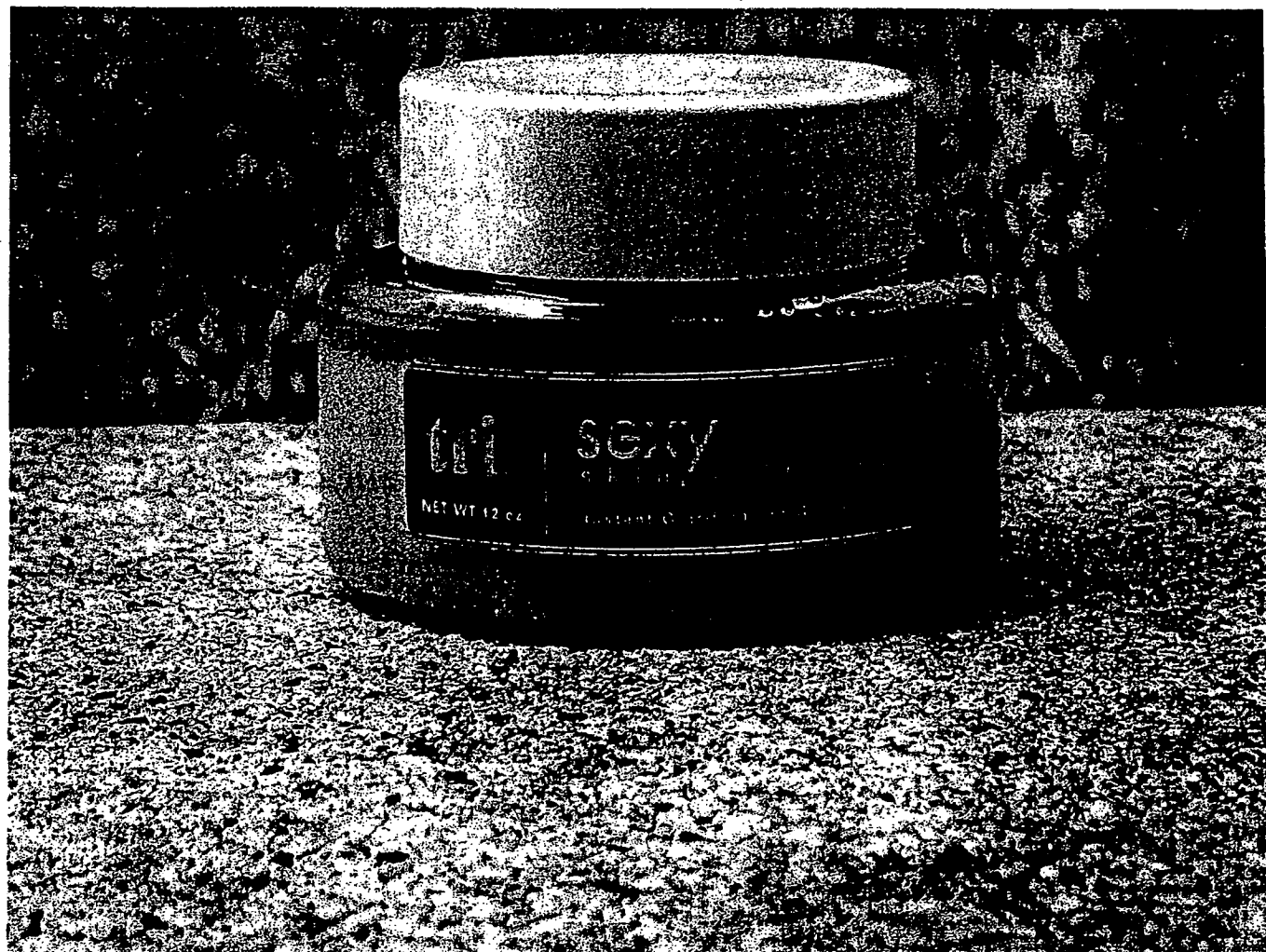
By: 

Name:

Title: COO

SH 2543

EXHIBIT A  
(sample of packaging)



SH 2544





EXHIBIT C  
ASSIGNMENT OF TRADEMARKS

WHEREAS, Diagnostics & Designs, Inc., a California corporation, having a business address of 13918 Equitable Road, Cerritos, CA, 90703 ("D&D"), has filed U.S. trademark application Serial No. 76/369,705 for "SEXY HANDS" and U.S. trademark application Serial No. 76/374,826 for "SEXY SKIN"; and

WHEREAS, Sexy Hair Concepts, LLC, a California corporation having an address of 9232 Eton Avenue, Chatsworth, CA 91311 ("SHC"), is desirous of acquiring all right, title and interest in and to said trademark, and the goodwill associated therewith, and applications therefor; and

WHEREAS, it is desired that the assignment of said trademarks and applications be made of record in the United States Patent and Trademark Office; and

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and intending to be legally bound hereby, D&D hereby irrevocably assigns, sells, conveys, transfers and delivers to SHC all rights, title and interest in and to said trademarks, and the goodwill of the business associated therewith, and the applications therefor.

DIAGNOSTICS & DESIGNS, INC.

Dated: \_\_\_\_\_

7/10/03

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

JOE OLIVERI  
CEO

SH 2546

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	:	Trademark Application of	:
	:	Diagnostics & Designs, Inc.	:
	:		:
Serial No.	:	76/369,703	:
	:		:
Notice of	:		:
Allowance	:	February 11, 2002	:
	:		:
For	:	SEXY HANDS	:
	:		: Att'y. Docket 899773

Applicant requests registration of the above-identified trademark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

1. I am authorized to execute this Declaration on behalf of applicant;
2. I believe applicant to be the owner of the mark sought to be registered;
3. Applicant is using the mark "SEXY HANDS" in interstate commerce on and in connection with skin care preparations; skin scrubs (Class 3)
4. Applicant first used the mark in connection with the above-identified goods on July 11, 2002, and first used the mark in connection with the above-identified goods in interstate commerce on July 11, 2002; and
5. The mark is used on packaging and other manners customary in the trade and one (1) specimen showing applicant's use of the mark is attached hereto.

The required fee is to be charged to Attorney Deposit Account No.

\_\_\_\_\_. Should any additional fees be required in connection with this application,  
please charge such fees to Deposit Account No. \_\_\_\_\_.

Further, I declare that I have been warned that willful false statements and the like  
so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such  
willful false statements may jeopardize the validity of the application or any resulting  
registration; all statements made of my own knowledge are true and all statements made on  
information and belief are believed to be true.

Date: \_\_\_\_\_

7/10/83

DIAGNOSTICS & DESIGNS, INC.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

JOS OLIVERI

CEO

SH 2548

PHIL\_A#1759894 v1

1-483 P.000/011 P-002

010

Jun-24-2003 03:37pm From-BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: September 15, 2003

Opposition No. 91156053

Sexy Hair Concepts LLC

v.

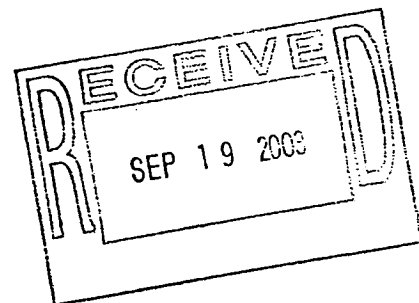
Diagnostics & Designs, Inc.

**ANGELA CAMPBELL, PARALEGAL SPECIALIST:**

On August 18, 2003, opposer filed a withdrawal of the opposition, with applicant's written consent.

In view thereof, the opposition is dismissed without prejudice. See Trademark Rule 2.106(c).

*By the Trademark Trial  
and Appeal Board*



SH 2549

HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST  
CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE  
COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE,  
ARLINGTON, VA 22202-3513 ON THE DATE INDICATED BELOW

By: [Signature]  
DATE: 08.14.03

EXHIBIT F

BOX TTAB - NO FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SEXY HAIR CONCEPTS, LLC

Opposer,

v.

DIAGNOSTICS & DESIGNS, INC.

Applicant.

Opposition No. 156,053

WITHDRAWAL OF NOTICE OF OPPOSITION ON CONSENT

Pursuant to an Agreement between the parties and with Applicant's consent,  
Opposer hereby withdraws without prejudice opposition to registration of the mark of  
Application Serial No. 76/374,826 for "SEXY SKIN."

Respectfully submitted,

By: [Signature]  
Roberta Jacobs-Meadway  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103  
215/665-8500

Attorneys for Opposer

Applicant hereby consents to the withdrawal of the opposition.

By: [Signature]  
Lori M. Stockton  
Blakely Sokoloff Taylor & Zafman  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025

Attorneys for Applicant

SH 2550

TRADEMARK RETURN POSTCARD

ATTY PBC SECY MM DATE 8/11/03 ATTY DOCKET NO. 08283  
 CERT OF MAIL/CERT OF SERVICE/EXPRESS MAIL LABEL NO. \_\_\_\_\_  
 TM.AP/REG/OPP/CANC # 156,053  
 OF: Sexy Hair Concepts, Inc. v. Dragoshes & Design, Inc.  
 FOR: \_\_\_\_\_  
 RECEIPT IS ACKNOWLEDGE BY THE USPTO FOR THE FOLLOWING:

<input type="checkbox"/> TRADEMARK APPLICATION: USE <u>ITU</u>	<input type="checkbox"/> RESPONSE TO ACTION
<input type="checkbox"/> SPECIMENS <u>DRAWING PAGE</u>	<input type="checkbox"/> TRANSMITTAL LETTER
<input type="checkbox"/> RENEWAL APPLICATION	<input type="checkbox"/> ASSIGN/CHG NAME/MERGER/SEC INT
<input type="checkbox"/> AFF/DEC 8 / 15 / 8&15	<input type="checkbox"/> NOTICE OF APPEAL/APPEAL BRIEF
<input type="checkbox"/> AMEND TO ALLEGE USE	<input type="checkbox"/> NOTICE OF OPPOSITION
<input type="checkbox"/> STATEMENT OF USE	<input type="checkbox"/> PETITION TO CANCEL
<input type="checkbox"/> REQ.EXT. TIME FOR SOU	<input type="checkbox"/> REQ.EXT. TIME TO OPPOSE
<input type="checkbox"/> FOREIGN REG <u>TRANSLATION</u>	<input type="checkbox"/> PET/MOT FOR EXT. OF TIME
<input type="checkbox"/> COUNTRY <u>REG. NO.</u>	<input type="checkbox"/> APPOINT DOMESTIC REPRESENTATIVE
<input type="checkbox"/> AMEND/REQ. RECONSIDERATION	<input type="checkbox"/> REVOC/APPT. OF ATTORNEY

OTHER (PAPER TITLE) Withdrawal of Notice of Opposition or Consent

FEE AUTH CHARGE B.S.A.I. DEPOSIT. ACCT. #02-0755 \$ 51A

HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST  
CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE  
COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE,  
ARLINGTON, VA 22202-3513 ON THE DATE INDICATED BELOW

By: [Signature]  
DATE: 08.14.03

**EXHIBIT F**

BOX TTAB - NO FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SEXY HAIR CONCEPTS, LLC

Opposer,

v.

DIAGNOSTICS & DESIGNS, INC.

Applicant.

Opposition No. 156,053

**WITHDRAWAL OF NOTICE OF OPPOSITION ON CONSENT**

Pursuant to an Agreement between the parties and with Applicant's consent,  
Opposer hereby withdraws without prejudice opposition to registration of the mark of  
Application Serial No. 76/374,826 for "SEXY SKIN."

Respectfully submitted,

By: [Signature]  
Roberta Jacobs-Meadway  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103  
215/665-8500

Attorneys for Opposer

Applicant hereby consents to the withdrawal of the opposition.

By: [Signature]  
Lori M. Stockton  
Blakely Sokoloff Taylor & Zafman  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025

Attorneys for Applicant

SH 2532



TRADEMARK RETURN POSTCARD

ATTY PBC SECY MM DATE 8/11/03 ATTY DOCKET NO. 08283  
 CERT OF MAIL/CERT OF SERVICE/EXPRESS MAIL LABEL NO. \_\_\_\_\_  
 TM.AP/REG/OPP/CANC # 156,053  
 OF: Serif Hair Concepts, LLC v. Diagnosher-Designs, Inc.  
 FOR: \_\_\_\_\_

RECEIPT IS ACKNOWLEDGE BY THE USPTO FOR THE FOLLOWING:

<input type="checkbox"/> TRADEMARK APPLICATION: USE ITU	<input type="checkbox"/> RESPONSE TO ACTION
<input type="checkbox"/> SPECIMENS DRAWING PAGE	<input type="checkbox"/> TRANSMITTAL LETTER
<input type="checkbox"/> RENEWAL APPLICATION	<input type="checkbox"/> ASSIGN/CHG NAME/MERGER/SEC INT
<input type="checkbox"/> AFF/DEC 8 / 15 / 8&15	<input type="checkbox"/> NOTICE OF APPEAL/APPEAL BRIEF
<input type="checkbox"/> AMEND TO ALLEGE USE	<input type="checkbox"/> NOTICE OF OPPOSITION
<input type="checkbox"/> STATEMENT OF USE	<input type="checkbox"/> PETITION TO CANCEL
<input type="checkbox"/> REQ.EXT. TIME FOR SOU	<input type="checkbox"/> REQ.EXT. TIME TO OPPOSE
<input type="checkbox"/> FOREIGN REG	<input type="checkbox"/> PET/MOT FOR EXT. OF TIME
<input type="checkbox"/> COUNTRY	<input type="checkbox"/> APPOINT DOMESTIC REPRESENTATIVE
<input type="checkbox"/> AMEND/REQ. RECONSIDERATION	<input type="checkbox"/> REVOC/APPT. OF ATTORNEY

OTHER (PAPER TITLE) Withdrawal of Notice of Opposition or Consent

FEE AUTH CHARGE B.S.A.I. DEPOSIT. ACCT. #02-0755 \$ 51A

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: October 22, 2003

Opposition No. 91155066

SEXY HAIR CONCEPTS LLC

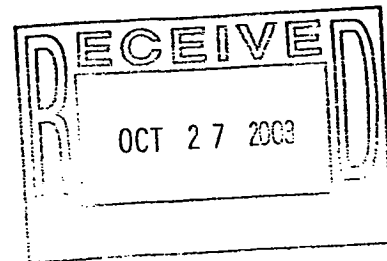
v.

Diagnostics & Designs, Inc.

On August 18, 2003, opposer filed a withdrawal of the opposition, with applicant's written consent.

In view thereof, the opposition is dismissed without prejudice. See Trademark Rule 2.106(c).<sup>1</sup>

*By the Trademark Trial  
and Appeal Board*



---

<sup>1</sup> The Board's notice of default dated June 24, 2003 is hereby vacated in view of applicant's timely filed answer dated March 28, 2003.

LAW OFFICES

**BALLARD SPAHR ANDREWS & INGERSOLL, LLP**

1735 MARKET STREET, 51st FLOOR  
PHILADELPHIA, PENNSYLVANIA 19103-7599  
215-665-8500  
FAX: 215-864-8999  
WWW.BALLARDSPAHR.COM

BALTIMORE, MD  
DENVER, CO  
SALT LAKE CITY, UT  
VOORHEES, NJ  
WASHINGTON, DC  
WILMINGTON, DE

ROBERTA JACOBS-MEADWAY  
DIRECT DIAL: 215-864-8201  
PERSONAL FAX: 215-864-9950  
JACOBSMEADWAYR@BALLARDSPAHR.COM

August 7, 2003

*via Federal Express*

Lori M. Stockton, Esquire  
Blakely, Sokoloff, Taylor & Zafman  
12400 Wilshire Boulevard  
7th Floor  
Los Angeles, Ca 90025-1026

Re: Sexy Hair Concepts v. Diagnostics & Designs, Inc.  
Our Files: 899773 and 082830


Dear Ms. Stockton:

Please find attached two copies of the fully executed settlement agreement.

Also please find attached the check of SHC in the agreed amount pursuant to  
Paragraph 7.

Thank you for your assistance in resolving this matter amicably.

Very truly yours,

  
Roberta Jacobs-Meadway

RJM/vlm  
Enclosure

cc: Mark Stiller

## SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into as of July 10, 2003 between Sexy Hair Concepts, LLC ("SHC"), a California limited liability company having an address of 9232 Eton Avenue, Chatsworth, California, 91311, and Diagnostics & Designs, Inc. (D&D), a California corporation having an address of 13918 Equitable Road, Cerritos, California, 90703.

WHEREAS, D&D on February 11, 2003 filed application Serial No. 76/369,705 for "SEXY HANDS," for skin care preparations; skin scrubs (the "SEXY HANDS Application"); and on February 25, 2003 filed application Serial No. 76/374,826, for "SEXY SKIN" for non-medicated skin care preparations, body butter, skin moisturizers (the "SEXY SKIN Application," and together with the SEXY HANDS Application, the "D&D Applications"); and

WHEREAS, D&D began commercial use of the mark of the SEXY HANDS in interstate commerce as early as July 11, 2002, as evidenced by the packaging set forth as Exhibit A attached hereto, and invoices for the goods evidencing the first use of the mark of the SEXY HANDS application as set forth as Exhibit B attached hereto; and

WHEREAS, SHC has opposed registration of the marks of the D&D Applications; and

WHEREAS, the parties have exchanged information and materials and wish to resolve amicably the dispute between them; and

NOW, THEREFORE, in consideration of the foregoing and in consideration of the undertakings of the parties set forth hereinafter, and intending to be legally bound, the parties agree as follows:

1. D&D will contemporaneously with the execution of this Agreement, execute and deliver to SHC an Assignment of Trademarks in the form of Exhibit C attached hereto.

2. In connection with the SEXY HANDS Application, D&D shall deliver to SHC an executed Statement of Use (the "Statement of Use") in the form set forth as Exhibit D hereto.

3. D&D shall on the request of SHC and at SHC's expense provide such further cooperation to SHC in connection with the filing of the Statement of Use for the SEXY HANDS Application.

4. Concurrent with the execution and delivery of this Agreement, the Assignment of Trademarks and Statement of Use, SHC grants to D&D the right and license to use SEXY HANDS for skin care preparations; skin scrubs for the period beginning from the date hereof until January 10, 2004 (the "License").

5. During the term of the License granted herein, D&D will not materially alter the products sold under the mark of the SEXY HANDS Application, or the packaging for such products, of the promotion for such products. No new products will be introduced by D&D under the mark of the SEXY HANDS Application during the term of this License.

6. D&D shall promptly initiate steps to phase out use of SEXY HANDS and shall have completed its phase out of SEXY HANDS on or before the expiration of the License granted herein.

7. Within five (5) business days of the date of its receipt of the Agreement, the Assignment of Trademarks executed on behalf of D&D, and the Statement of Use, SHC shall remit to D&D the sum of \$7,500. SHC will not, until such payment is sent, file the Statement of Use or Assignment of Trademarks with the U.S. Patent & Trademark Office.

8. D&D consents to the withdrawal of Notices of Opposition Nos. 155,066 and 156,053 and the parties will cause their counsel to execute and file the Withdrawals of Opposition for each of the D&D Applications in the forms attached as Exhibits E and F.

SH 2509

9. This Agreement shall be binding upon and inure to the benefit of the parties hereto, and their respective successors, assigns, related companies and affiliates.

10. This Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and there are no other agreements or understandings, whether oral or written, express or implied.

11. This Agreement may be modified or amended only by written agreement signed by both of the parties hereto.

12. This Agreement may be executed in counterparts which, taken together, shall comprise one single legal instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

SEXY HAIR CONCEPTS, LLC

By: 

Name: Mark Stiller

Title: Chief Financial Officer

DIAGNOSTICS & DESIGNS, INC.

By: 

Name:

Title: 

SH 2510

EXHIBIT A  
(sample of packaging)



SH 2511

TRI - INSTITUTE OF TRICHOLOGY  
13918 EQUITABLE ROAD  
CERRITOS, CA 90703

**Invoice Number:**  
9799

**Invoice Date:**  
Jul 11, 2002

Page:  
1

'oice: 562 926-7373  
 ax: 562 926-7363

**Sold To:**

**COOL SPRINGS SALON SERVICES**  
2414 Columbine Trail  
Chattanooga, TN  
USA

**Ship to:**

**Cool Spring Salon Services**  
**C/O PAK RAT SELF STORAGE**  
7363 Lee Highway  
Chattanooga, TN 37421  
U.S.A.

Customer ID		Customer PO		Payment Terms	
1 COOL		CHARLIE		Net 30 Days	
		Shipping Method		Ship Date	Due Date
		Freight		7/11/02	8/10/02

Quantity	Item	Description	Backorder Qt	Unit Price	Extension
72.00	SH12	12oz. Tri Sexy Hands		6.20	446.40

Subtotal	446.40
Sales Tax	
Freigh	46.72
Total Invoice Amoun	493.12
<b>TOTAL</b>	<b>493.12</b>

SH 2512



**EXHIBIT C**  
**ASSIGNMENT OF TRADEMARKS**

WHEREAS, Diagnostics & Designs, Inc., a California corporation, having a business address of 13918 Equitable Road, Cerritos, CA, 90703 ("D&D"), has filed U.S. trademark application Serial No. 76/369,705 for "SEXY HANDS" and U.S. trademark application Serial No. 76/374,826 for "SEXY SKIN"; and

WHEREAS, Sexy Hair Concepts, LLC, a California corporation having an address of 9232 Eton Avenue, Chatsworth, CA 91311 ("SHC"), is desirous of acquiring all right, title and interest in and to said trademark, and the goodwill associated therewith, and applications therefor; and

WHEREAS, it is desired that the assignment of said trademarks and applications be made of record in the United States Patent and Trademark Office; and

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and intending to be legally bound hereby, D&D hereby irrevocably assigns, sells, conveys, transfers and delivers to SHC all rights, title and interest in and to said trademarks, and the goodwill of the business associated therewith, and the applications therefor.

DIAGNOSTICS & DESIGNS, INC.

Dated: 7/10/03

By: [Signature]  
Name: JOSE OLIVERA  
Title: CEO

SH 2513

**EXHIBIT D**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re	:	Trademark Application of	:
	:	Diagnostics & Designs, Inc.	:
	:		:
Serial No.	:	76/369,703	:
	:		:
Notice of	:		:
Allowance	:	February 11, 2002	:
	:		:
For	:	SEXY HANDS	:
	:		:
	:		Atty. Docket 899773

**STATEMENT OF USE UNDER 37 C.F.R. § 2.88 WITH DECLARATION**

Applicant requests registration of the above-identified trademark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

Joe Oliveri, the CEO of applicant corporation, declares as follows:

1. I am authorized to execute this Declaration on behalf of applicant;
2. I believe applicant to be the owner of the mark sought to be registered;
3. Applicant is using the mark "SEXY HANDS" in interstate commerce on and in connection with skin care preparations; skin scrubs (Class 3)
4. Applicant first used the mark in connection with the above-identified goods on July 11, 2002, and first used the mark in connection with the above-identified goods in interstate commerce on July 11, 2002; and
5. The mark is used on packaging and other manners customary in the trade and one (1) specimen showing applicant's use of the mark is attached hereto.

SH 2514

The required fee is to be charged to Attorney Deposit Account No. \_\_\_\_\_.

\_\_\_\_\_. Should any additional fees be required in connection with this application, please charge such fees to Deposit Account No. \_\_\_\_\_.

Further, I declare that I have been warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration; all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Date: \_\_\_\_\_

7/10/03

DIAGNOSTICS & DESIGNS, INC.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

JOS OLIVERI  
CEO

SH 2515

EXHIBIT E

BOX TTAB - NO FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SEXY HAIR CONCEPTS, LLC

Opposer,

v.

DIAGNOSTICS & DESIGNS, INC.

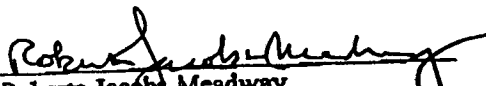
Applicant.

Opposition No. 155,066

WITHDRAWAL OF NOTICE OF OPPOSITION ON CONSENT

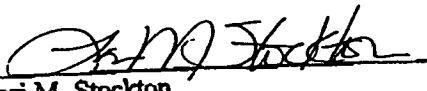
Pursuant to an Agreement between the parties and with Applicant's consent,  
Opposer hereby withdraws without prejudice opposition to registration of the mark of  
Application Serial No. 76/369,705 for "SEXY HANDS."

Respectfully submitted,

By:   
Roberta Jacoby-Meadway  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103  
215/665-8500

Attorneys for Opposer

Applicant hereby consents to the withdrawal of the opposition.

By:   
Lori M. Stockton  
Blakely Sokoloff Taylor & Zafman  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025

Attorneys for Applicant

SH 2516

EXHIBIT F

BOX TTAB - NO FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SEXY HAIR CONCEPTS, LLC

Opposer,

v.

DIAGNOSTICS & DESIGNS, INC.


Applicant.

Opposition No. 156,053

WITHDRAWAL OF NOTICE OF OPPOSITION ON CONSENT

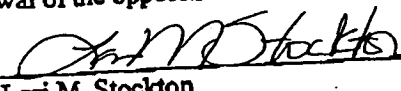
Pursuant to an Agreement between the parties and with Applicant's consent,  
Opposer hereby withdraws without prejudice opposition to registration of the mark of  
Application Serial No. 76/374,826 for "SEXY SKIN."

Respectfully submitted,

By:   
Roberta Jacobs-Meadway  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103  
215/665-8500

Attorneys for Opposer

Applicant hereby consents to the withdrawal of the opposition.

By:   
Lori M. Stockton  
Blakely Sokoloff Taylor & Zafman  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025

Attorneys for Applicant

SH 2517

LAW OFFICES  
**BALLARD SPAHR ANDREWS & INGERSOLL, LLP**  
1735 MARKET STREET, 51ST FLOOR  
PHILADELPHIA, PENNSYLVANIA 19103-7599  
215-665-8500  
FAX: 215-864-8999  
WWW.BALLARDSPAHR.COM

BALTIMORE, MD  
DENVER, CO  
SALT LAKE CITY, UT  
VOORHEES, NJ  
WASHINGTON, DC

PATRICIA G. CRAMER  
DIRECT DIAL: 215-864-8607  
PERSONAL FAX: 215-864-9744  
CRAMERP@BALLARDSPAHR.COM

August 12, 2003

Commissioner of Patent And Trademarks  
Box Assignments  
Arlington, VA 20231

Dear Sir:

We are enclosing herewith the following documents set forth below, which are to be filed in the Patent and Trademark Office.

Please charge all government filing fees with respect to the enclosed documents to our Miscellaneous Account No. 02-0755.

Very truly yours,

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

  
Patricia G. Cramer

Enclosures: Recordation Form Cover Sheet; Assignment from Diagnostics & Designs, Inc. to Sexy Hair Concepts, LLC

Fee: \$65

Serial Nos. 76/369,705 and 76/374,826

Marks: Design SEXY HANDS and SEXY SKIN

Attorney Docket Nos. 899773 and 082830

PGC/jmm

cc: Mr. Mark Stiller (w/enc.)  
Lori M. Stockton, Esquire (w/enc.)  
Dawn Deissler (w/enc.)

SH 2523

RECORDATION FORM COVER SHEET  
**TRADEMARKS ONLY**

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Diagnostics & Designs, Inc.

- ☐ Individual(s)      ☐ Association  
☐ General Partnership      ☐ Limited Partnership  
☒ Corporation-State CA  
☐ Other \_\_\_\_\_

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment      ☐ Merger  
☐ Security Agreement      ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: July 10, 2003

2. Name and address of receiving party(ies)

Name: Sexy Hair Concepts, LLC

Internal

Address: \_\_\_\_\_

Street Address: 9232 Eton Avenue

City: Chatsworth State: CA Zip: 91311

- ☐ Individual(s) citizenship \_\_\_\_\_  
☐ Association \_\_\_\_\_  
☐ General Partnership \_\_\_\_\_  
☐ Limited Partnership \_\_\_\_\_  
☒ Corporation-State CA  
☐ Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached: ☐ Yes ☐ No  
(Designations must be a separate document from assignment)  
Additional name(s) & address(es) attached? ☐ Yes ☐ No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s) 76/369,705  
76/374,826

B. Trademark Registration No.(s) \_\_\_\_\_

Additional number(s) attached ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Roberta Jacobs-Meadway, Esquire

Internal Address: Ballard Spahr Andrews &

Ingersoll, LLP

51st Floor

Street Address: 1735 Market Street

City: Philadelphia State: PA Zip: 19103-7599

6. Total number of applications and registrations involved: 2

7. Total fee (37 CFR 3.41).....\$ 65

- ☐ Enclosed  
☒ Authorized to be charged to deposit account

8. Deposit account number:

02-0755

DO NOT USE THIS SPACE

9. Signature.

Patricia G. Cramer

Name of Person Signing

Signature

8/12/03

Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

SH 2524

EXHIBIT C  
ASSIGNMENT OF TRADEMARKS

WHEREAS, Diagnostics & Designs, Inc., a California corporation, having a business address of 13918 Equitable Road, Cerritos, CA, 90703 ("D&D"), has filed U.S. trademark application Serial No. 76/369,705 for "SEXY HANDS" and U.S. trademark application Serial No. 76/374,826 for "SEXY SKIN"; and

WHEREAS, Sexy Hair Concepts, LLC, a California corporation having an address of 9232 Eton Avenue, Chatsworth, CA 91311 ("SHC"), is desirous of acquiring all right, title and interest in and to said trademark, and the goodwill associated therewith, and applications therefor; and

WHEREAS, it is desired that the assignment of said trademarks and applications be made of record in the United States Patent and Trademark Office; and

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and intending to be legally bound hereby, D&D hereby irrevocably assigns, sells, conveys, transfers and delivers to SHC all rights, title and interest in and to said trademarks, and the goodwill of the business associated therewith, and the applications therefor.

Dated: \_\_\_\_\_

7/10/03

DIAGNOSTICS & DESIGNS, INC.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

JOE OLIVERI  
CEO

SH 2525



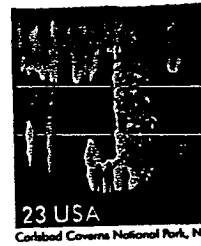
TRADEMARK RETURN POSTCARD

082830  
899773

ATTY PGC SECY JMM DATE 8/12/03 ATTY DOCKET NO. 899773  
 CERT OF MAIL/CERT OF SERVICE/EXPRESS MAIL LABEL NO. 76/369, 795 and 76/374, 826  
 TM APP/REG/OPP/CANC # 76/369, 795 and 76/374, 826  
 OF: Diagnosha & Designs, Inc  
 FOR: SEXY HANDS - SEXY SKIN  
 RECEIPT IS ACKNOWLEDGE BY THE USPTO FOR THE FOLLOWING:

TRADEMARK APPLICATION	USE	ITU	RESPONSE TO ACTION
SPECIMENS	DRAWING PAGE		TRANSMITTAL LETTER
RENEWAL APPLICATION			ASSIGN/CHG NAME/MERGER/SEC INT
AFF/DEC 8 / 15 / 8&15			NOTICE OF APPEAL/APPEAL BRIEF
AMEND TO ALLEGE USE			NOTICE OF OPPOSITION
STATEMENT OF USE			PETITION TO CANCEL
REQ. EXT. TIME FOR SOU			REQ. EXT. TIME TO OPPOSE
FOREIGN REG	TRANSLATION		PET/MOT FOR EXT. OF TIME
COUNTRY	REG. NO.		APPOINT DOMESTIC REPRESENTATIVE
AMEND/REQ. RECONSIDERATION			REVOC/APPT. OF ATTORNEY

OTHER (PAPER TITLE) Recordation Form assigned from  
Diagnosha & Designs, Inc to Sexy Hand Concepts  
 FEE AUTH CHARGE B.S.A.I. DEPOSIT. ACCT. #02-0755 \$ 65-



Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street - 51<sup>st</sup> Floor  
Philadelphia, PA 19103

Attn. Pamela E. Gomer

10/10/04 10:00 AM

SH 2527

LAW OFFICES

**BALLARD SPAHR ANDREWS & INGERSOLL, LLP**  
1735 MARKET STREET, 5<sup>TH</sup> FLOOR  
PHILADELPHIA, PENNSYLVANIA 19103-7599  
215-665-8500  
FAX: 215-664-8999  
LAWYERS@BALLARDSPAHR.COM

BALTIMORE, MD  
DENVER, CO  
SALT LAKE CITY, UT  
VOORHEES, NJ  
WASHINGTON, DC

**ROBERTA JACOBS-MEADWAY**  
DIRECT DIAL: (215) 864-8201  
PERSONAL FAX: (215) 864-9950  
E-MAIL: JACOBSMEADWAYR@BALLARDSPAHR.COM

October 3, 2002

**VIA FED EX OVERNIGHT DELIVERY**  
**SIGNATURE REQUESTED UPON RECEIPT**

Mark P. DeFanti  
9310 Golden Way CT APT. O  
Richmond VA 23294-6431

Re: "Sex Symbol" Trademark Application

Dear Mr. DeFanti:

Recently you submitted an application with the United State Patent and Trademark Office to register the mark "SEX SYMBOL" in association with a number of goods including "electric hair curlers."

This office represents Sexy Hair Care Concepts, LLC, formerly Ecoly International, Inc., in connection with trademark and unfair competition matters.

Sexy Hair Concepts has used and uses the trademark SEXSYMBOL in connection with its products, as you can see from the Company's website, [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com). Sexy Hair Concepts has a priority date of September 21, 2000 based on its application for registration of SEXSYMBOL which will issue in due course, serial no. 76132497.

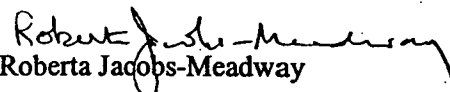
Sexy Hair Concepts is prepared to oppose your application for registration of SEX SYMBOL in the Patent and Trademark Office if your application continues to list "electric hair curlers" or any other goods or services related to hair care or cosmetics. We are accordingly requesting that the application that you have filed be amended to delete "electric hair curlers" and any other products related to cosmetics or hair care from the published trademark application. We request that you forward to us within 10 days of the date of your receipt of this letter a copy of the amended application as filed. If the application is not amended as requested herein, we are authorized to file a Notice of Opposition in the Patent and Trademark Office.

Mark P. DeFanti  
October 3, 2002  
Page 2

Please note that Sexy Hair Concepts reserves the right to object to any use of SEX SYMBOL by your company on or in connection with any hair care or cosmetic products.

You currently have no attorney of record listed with the Patent and Trademark Office. If you are represented by counsel please contact your attorney with regard to this letter and instruct him or her to respond promptly.

Sincerely,

  
Roberta Jacobs-Meadway

RJM/dld

LAW OFFICES  
**BALLARD SPAHR ANDREWS & INGERSOLL, LLP**

1735 MARKET STREET, 51st FLOOR  
PHILADELPHIA, PENNSYLVANIA 19103-7599  
215-665-8500  
FAX: 215-864-8999  
WWW.BALLARDSPAHR.COM

BALTIMORE, MD  
DENVER, CO  
SALT LAKE CITY, UT  
VOORHEES, NJ  
WASHINGTON, DC

ROBERTA JACOBS-MEADWAY  
DIRECT DIAL: 215-864-8201  
PERSONAL FAX: 215-864-9950  
JACOBSMEADWAYR@BALLARDSPAHR.COM

February 27, 2003

*via Federal Express*

Mark DeFanti  
3535 Plainsman Lane  
Apt. # B30  
Bryan, TX 77802

Re: **SEX SYMBOL – Settlement Agreement**  
Our file 898339

Dear Mark:

This has reference to our recent communications.

Please find attached three execution copies of the Agreement. Please sign the same, including the attachments where indicated, and return them to me. I will have a fully executed copy sent to you and attend to the filing of the papers to terminate the proceeding.

Sincerely,

*Robbi Jacobs-Meadway*  
Roberta Jacobs-Meadway

RJM/vlm  
Enclosures

## SETTLEMENT AGREEMENT

This agreement is entered into effective February 28, 2003 between Sexy Hair Concepts LLC, a California corporation having an address of 9232 Eton Avenue, Chatsworth, CA 91311 (SHC) and Mark P. DeFanti, a citizen of the United States having an address of 3535 Plainsman Lane, Apt. # B30, Bryan, TX 77802 (DeFanti).

Whereas DeFanti filed application serial no. 78/080924 to register Sex Symbol as a trademark for the goods identified in Attachment A (the DeFanti Application); and

Whereas SHC has opposed registration of the mark of the DeFanti application for the goods identified therein and the Trademark Trial and Appeal Board (Board) has instituted the opposition proceeding as Opposition No. 91154612 (the Opposition Proceeding); and

Whereas the parties have exchanged information and materials and wish to resolve the dispute between them;

In consideration of the forgoing and in consideration of the undertakings of the parties set forth hereinafter, and intending to be legally bound, the parties agree as follows:

1. DeFanti will, concurrent with his execution of this Agreement execute and return to SHC the Amendment of Application on Consent and Contingent Withdrawal of Opposition attached as Attachment B.

2. SHC will cause its counsel to file the executed Amendment of Application on Consent and Contingent Withdrawal of Opposition within three (3) business days of its receipt of same, and will forward a copy of the as-filed document to DeFanti.

3. DeFanti commits that it will make no use of Sex Symbol or any phonetic equivalent as a mark or a component of a mark on or in connection with any hair or skin care preparation, makeup product, or any product used to cut, treat or dress or condition hair, including but not limited to electric hair curlers, razors, dryers or the like.

4. SHC has no objection to use by DeFanti of Sex Symbol in connection with the remaining goods in the DeFanti application, or to use of the mark of the DeFanti application on apparel. It will, accordingly, not object to the proposed DeFanti Application in the form attached as Attachment C.

5. This Agreement is the entire understanding of the parties with respect to its subject matter, and there are no other agreements or understandings, express or implied.

6. This Agreement is binding on the parties and their heirs, successors, assigns, related companies, and affiliates.

SEXY HAIR CONCEPTS, LLC

MARK P. DEFANTI

By: \_\_\_\_\_

By: \_\_\_\_\_

Name:

Date:

Date:

SH 2320

**ATTACHMENT A**

**SH 2321**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2003-02-27 10:13:57 ET

Serial Number: 78080924

Registration Number: (NOT AVAILABLE)

Mark (words only): SEX SYMBOL

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2003-01-22

Filing Date: 2001-08-23

Registration Date: (DATE NOT AVAILABLE)

Law Office Assigned: TMO Law Office 112

Attorney Assigned:  
TAYLOR DAVID T Employee Location

Current Location: 845 -TTAB

Date In Location: 2003-01-26

---

**CURRENT APPLICANT(S)/OWNER(S)**

---

1. DeFanti, Mark P

**Address:**

DeFanti, Mark P  
9310 Golden Way Court, Apt. O  
Richmond, VA 23294  
United States

**Country of Citizenship:** United States

**Legal Entity Type:** Individual

---

**GOODS AND/OR SERVICES**

---

Eyewear, namely eyeglasses and sunglasses; 35mm, motion picture and video cameras and cases; Prerecorded audio cassettes, compact discs, digital audio tapes, video tapes and video discs featuring music, comedy and motivational content; Audio speakers; Digital audio tape players, recorders and blank tapes; Audio cassette players, recorders, blank tapes and tape decks for automobiles; Blank magnetic computer tapes; Exposed Camera film and tripods; Cellular telephones; Compact disc players; Computer game cartridges, cassettes, discs, machines, programs and software; Computer peripherals; Contact lenses and cases; Electric hair curlers; Electronic personal organizer; Electronic publications, namely, books, magazines and newsletters featuring news, comedy, sports and photography recorded on

SH 2322



compact discs; Eyeglass cases, chains, frames and lenses; Gambling machines; Gaming equipment, namely, slot machines with or without video output; Hockey, auto racing, in-line skating, motor cycle, mountain bike and skateboarding helmets; Interactive audio game discs containing role playing, action, fantasy, shooting, adventure and trivia games; Interactive multimedia computer game program; Interactive video game programs; Interactive video games of virtual reality comprised of computer hardware and software; Magnetic coded cards; Magnetic coded debit cards; Magnets; Mouse pads; Musical sound recordings; Musical video recordings; Protective clothing; Protective clothing for auto racing, in-line skating, mountain biking, motorcycle racing and riding, motor sports and skateboarding; Radio pagers; Radio telephones; Radios; Radios for vehicles; Radios incorporating clocks; Remote controls for radios, televisions and stereos; Scuba diving air tanks, regulators and suits; Support belts for workers; Telephones; Television sets; Vending machines; Video cassette players, recorders and blank tapes; Video game cartridges, cassettes, discs, machines for use with televisions and software; Video magazines featuring politics, news, entertainment and sports; Self-improvement, music and sports entertainment video recordings; Virtual reality game software; Walkie-talkies

**International Class:** 009

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**Basis:** 1(b)

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#### ADDITIONAL INFORMATION

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(NOT AVAILABLE)

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#### PROSECUTION HISTORY

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2003-01-22 - Opposition instituted for Proceeding  
2003-01-06 - TEAS Change of Correspondence Received  
2002-08-26 - Extension of time to oppose - Filed  
2002-08-06 - Published for opposition  
2002-07-17 - Notice of publication  
2002-05-20 - Approved for Pub - Principal Register (Initial exam)  
2002-05-07 - Examiner's amendment mailed  
2001-11-09 - Non-final action mailed  
2001-09-21 - Case file assigned to examining attorney

---

#### CONTACT INFORMATION

---

**Correspondent (Owner)**  
MARK DEFANTI  
3535 PLAINSMAN LN #B30

SH 2323

BRYAN, TX 77802  
United States

---

SH 2324

**ATTACHMENT B**

**SH 2325**

By: \_\_\_\_\_  
Date: \_\_\_\_\_

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**Y.**

**Applicant:**

Opposition No. 91 154 612

Honorable Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**Applicant hereby amends the identification of goods in Application S.N.**

78-080924, with Opposer's consent, to delete therefrom the following: "electric hair curlers."

The identification of goods, as amended, will read as follows: “Eyewear, namely eyeglasses and sunglasses; 35mm, motion picture and video cameras and cases; Prerecorded audio cassettes, compact discs, digital audio tapes, video tapes and video discs featuring music, comedy and motivational content; Audio speakers; Digital audio tape players, recorders and blank tapes; Audio cassette players, recorders, blank tapes and tape decks for automobiles; Blank magnetic computer tapes; Exposed Camera film and tripods; Cellular telephones; Compact disc players;

Computer game cartridges, cassettes, discs, machines, programs and software; Computer peripherals; Contact lenses and cases; Electronic personal organizer; Electronic publications, namely, books, magazines and newsletters featuring news, comedy, sports and photography recorded on compact discs; Eyeglass cases, chains, frames and lenses; Gambling machines; Gaming equipment, namely, slot machines with or without video output; Hockey, auto racing, in-line skating, motor cycle, mountain bike and skateboarding helmets; Interactive audio game discs containing role playing, action, fantasy, shooting, adventure and trivia games; Interactive multimedia computer game program; Interactive video game programs; Interactive video games of virtual reality comprised of computer hardware and software; Magnetic coded cards; Magnetic coded debit cards; Magnets; Mouse pads; Musical sound recordings; Musical video recordings; Protective clothing; Protective clothing for auto racing, in-line skating, mountain biking, motorcycle racing and riding, motor sports and skateboarding; Radio pagers; Radio telephones; Radios; Radios for vehicles; Radios incorporating clocks; Remote controls for radios, televisions and stereos; Scuba diving air tanks, regulators and suits; Support belts for workers; Telephones; Television sets; Vending machines; Video cassette players, recorders and blank tapes; Video game cartridges, cassettes, discs, machines for use with televisions and software; Video magazines featuring politics, news, entertainment and sports; Self-improvement, music and sports entertainment video recordings; Virtual reality game software; Walkie-talkies"

Since the amendment is limiting, it is submitted that it is in order.

Opposer, contingent on the acceptance of the above-stated amendment, withdraws  
its opposition to registration of the mark of Application S.N. 78-080924.

Respectfully submitted,

By: \_\_\_\_\_

Mark P. DeFanti  
3535 Plainsman Lane, Apt. #B30  
Bryan, TX 77802

Date: \_\_\_\_\_

Opposer, by its undersigned counsel, consents to the amendment of the application which is the  
subject of this proceeding, as set forth above.

By: \_\_\_\_\_

Roberta Jacobs-Meadway  
BALLARD SPAHR ANDREWS & INGERSOLL, LLP  
1735 Market Street, 51st Floor  
Philadelphia, Pennsylvania 19103-7599  
(215) 665-8500

Date: \_\_\_\_\_

ATTORNEY FOR OPPOSER

SH 2328

LAW OFFICES  
**BALLARD SPAHR ANDREWS & INGERSOLL, LLP**

1735 MARKET STREET, 51ST FLOOR  
PHILADELPHIA, PENNSYLVANIA 19103-7599

215-665-8500  
FAX: 215-864-8999  
WWW.BALLARDSPAHR.COM

BALTIMORE, MD  
DENVER, CO  
SALT LAKE CITY, UT  
VOORHEES, NJ  
WASHINGTON, DC

ROBERTA JACOBS-MEADWAY  
DIRECT DIAL: 215-864-8201  
PERSONAL FAX: 215-864-9950  
JACOBSMEADWAYR@BALLARDSPAHR.COM

July 7, 2003

*via Federal Express*

Michael D. Pegues, Esquire  
Munsch Hardt Kopf & Harr, P.C.  
4000 Fountain Place  
1445 Ross Avenue  
Dallas, Texas 75202-2790

Re: U.S. Trademark Application Serial No. 78/168,706  
for SEXY SOLES IN SIXTY SECONDS  
Our file 085663

Dear Mr. Pegues:

This office represents Sexy Hair Concepts, LLC of Chatsworth CA ("SHC") in connection with trademark and unfair competition matters.

SHC has, since at least as early as June 1998, employed SEXY HAIR as the dominant component of its marks and name in connection with hair care preparations. The nature and extent of the business of SHC and its use of SEXY HAIR may be seen at the website, [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com).

SHC has taken steps to protect its SEXY HAIR marks and name and has secured U.S. Trademark Registration Nos. 2,403,396; 2,486,702; and 2,553,996 among others. SHC has also brought a number of oppositions to registration of marks which contain or comprise the term SEXY for hair care preparations.

The application that you have filed on behalf of Epiphany for SEXY SOLES IN SIXTY SECONDS, Serial no. 78/168,706, for, inter alia, hair care preparations, has come to our attention and is of concern. Granted the overlap in goods and the dominant nature of the term "SEXY" in your client's mark, we have concern that use of such mark for the goods identified in the application may create a likelihood of confusion as to the source of the product or the affiliation between SHC and Epiphany.

SH 2274

Michael D. Pegues, Esquire

July 7, 2003

Page 2

We note that the use appears to be of relatively recent origin and there appears to be no use for hair care preparations. In the circumstances, we believe the matter may most simply be resolved if Epiphany would amend the description of goods to delete hair care preparations, namely hair oil, from the application, and commit to make no use of the mark on any hair care products or preparations.

Any offer of compromise is, of course, without prejudice to any claim or demand that may be made in the event that other action is deemed appropriate to protect the interests of SHC.

May we please hear from you with respect to your client's intentions in the matter by July 18, 2003.

Sincerely,

  
Roberta Jacobs-Meadway

RJM/pgc

cc: Mark Stiller (via facsimile)

SH 2275



LAW OFFICES

**BALLARD SPAHR ANDREWS & INGERSOLL, LLP**

1735 MARKET STREET, 5<sup>TH</sup> FLOOR  
PHILADELPHIA, PENNSYLVANIA 19103-7599  
215-665-8500  
FAX: 215-864-8999  
WWW.BALLARDSPAHR.COM

BALTIMORE, MD  
DENVER, CO  
SALT LAKE CITY, UT  
VOORHEES, NJ  
WASHINGTON, DC  
WILMINGTON, DE

**PLEASE DELIVER AS SOON AS POSSIBLE TO:**

RECIPIENT	COMPANY	FAX NO.	PHONE NO.
Michael D. Pegues, Esquire	Munsch Hardt Kopf & Harr, P.C.	(214) 855-7584	(214) 855 - 7538

From: Patricia G. Cramer

Date: October 22, 2003

Phone: (215) 864-8607

Matter: 085663

Fax: (215) 864-9744

E-mail: [cramerp@ballardspahr.com](mailto:cramerp@ballardspahr.com)

Total number of pages including this page: 3  
If you do not receive all the pages, please call (215) 864-8757

Re: U.S. Trademark Application Serial No. 78/168,706  
for SEXY SOLES IN SIXTY SECONDS  
Our file 085663

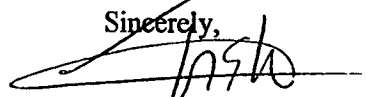
Dear Mike:

Attached please find the Agreement between Sexy Hair Concepts, Inc. ("SHC") and Epiphany in connection with the above referenced trademark application executed by SHC.

In connection with the provisions of Section 1 of the Agreement, please send me a copy of the amendment to the Epiphany application that is filed with the U.S. PTO.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Patricia G. Cramer

cc: Mark Stiller (w/o enc.)

Roberta Jacobs-Meadway, Esquire (w/o enc.)

**Please Note:** The information contained in this facsimile message is privileged and confidential and is intended only for the use of the individual or entity named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received the communication in error, or if any problems occur with transmission, please notify us immediately by telephone. Thank you.

PHL\_A #1780950 v1

SH 2297

## AGREEMENT

This Agreement entered into as of October 21, 2003, by and between Epiphany ("Epiphany"), a Texas Corporation, having a mailing address of 835 East Lamar, #106, Arlington, Texas, 76011, and Sexy Hair Concepts, LLC ("SHC"), a California limited liability company having an address of 9232 Eton Avenue, Chatsworth, California, 91311.

WHEREAS, SHC has, since at least as early as June 1998, employed SEXY HAIR as the dominant component of its marks and name in connection with hair care preparations and has secured U.S. Trademark Registration Nos. 2,403,396; 2,486,702; and 2,553,996 among others. ;

WHEREAS, Epiphany is the owner of the trademark SEXY SOLES IN SIXTY SECONDS for, *inter alia*, hair care preparations, as set forth in U.S. Trademark Application Serial No. 78/168,706 filed on September 27, 2002, for the same, among other things (the "Epiphany Application"); and

WHEREAS, SHC has filed a Request for Extension of Time to oppose registration of the mark of the Epiphany Application; and

WHEREAS, Epiphany has agreed to file documentation with the U.S. Patent and Trademark Office to amend the description of the goods of Epiphany Application to exclude "hair care preparations, namely hair oil; and

WHEREAS, the parties have exchanged information and materials and wish confirm their mutual understanding to resolve the potential opposition.

NOW THEREFORE, in consideration of the foregoing and the undertakings set forth hereinafter and intending to be legally bound, the parties hereby agree as follows:

1. Within ten (10) business days of the date hereof Epiphany shall file an amendment to the Epiphany application with the U.S. Patent and Trademark Office to amend the description of the goods of Epiphany Application to exclude "hair care preparations, namely hair oil.
2. Epiphany shall limit the use of the mark to the goods identified in the Epiphany Application, as amended.
3. Epiphany agrees not to use the SEXY SOLES IN SIXTY SECONDS name or mark or any name or mark which contains or comprises the term "SEXY," on or in connection with hair care preparations or products.
4. SHC agrees not to file a Notice of Opposition to the mark of the Epiphany Application, as amended, or petition to cancel any registration which issues on the Epiphany Application, as amended, provided Epiphany is in compliance with the terms of this Agreement and has not abandoned use of SEXY SOLES IN SIXTY SECONDS.
5. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs, assigns and related companies or affiliates.

Oct-21-03 05:43pm From-BALLARD SPAHR

+215 864 8888

T-127 P.004/004 F-488

Oct-08-03 10:28am From-MANSCH HARDT

+2148587884

T-068 P.04/04 F-878

6. This Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and there are no other agreements or understandings, whether oral or written.

7. This Agreement may be modified or amended only by written agreement signed by both of the parties hereto.

8. This Agreement may be executed in counterparts which, taken together, shall comprise one single legal instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

EPIPHANY

By: 

Name:

Codi Brown

Title: President

SEXY HAIR CONCEPTS, LLC

By: 

Name: Mark Stiller

Title: Chief Financial Officer

10/21/03

LAW OFFICES  
**BALLARD SPAHR ANDREWS & INGERSOLL, LLP**

1735 MARKET STREET, 51ST FLOOR  
PHILADELPHIA, PENNSYLVANIA 19103-7599  
215-665-8500  
FAX: 215-864-8999  
WWW.BALLARDSPAHR.COM

BALTIMORE, MD  
DENVER, CO  
SALT LAKE CITY, UT  
VOORHEES, NJ  
WASHINGTON, DC

ROBERTA JACOBS-MEADWAY  
DIRECT DIAL: 215-864-8201  
PERSONAL FAX: 215-864-8950  
JACOBSMEADWAYR@BALLARDSPAHR.COM

December 12, 2002

Via First Class Mail

BOX TTAB - FEE  
Commissioner Trademarks  
2009 Crystal Drive  
Arlington, VA 22202-3513

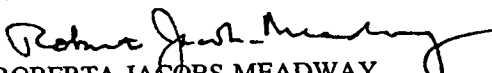
Dear Sir:

We are enclosing herewith the following documents set forth below, which are to be filed in the Patent and Trademark Office.

Please charge all government filing fees with respect to the enclosed documents to our Miscellaneous Account No. 02-0755.

Very truly yours,

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

  
ROBERTA JACOBS-MEADWAY

Enclosures: Notice of Opposition


Sexy Hair Concepts, LLC v Australian Gold, Inc.

Serial No.: 76/403,550 for "SEXY THING"

Fee: \$300.00

Attorney Docket No. 080492

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: BOX TTAB FEE, COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3513 ON THE DATE INDICATED BELOW

BY:   
DATE: 12/13/02

RJM:DLD:CDA

PHL\_A #1700613 v1

SH 2175

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX TTAB FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on the date indicated below.

By: Edie Fitchie  
Date: 12/13/02

**BOX TTAB FEE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Sexy Hair Concepts, LLC

Opposer,

v.

Australian Gold, Inc.

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Honorable Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Dear Sir/Madam:

In the matter of Trademark Application Serial No. 76/403,550 for the mark  
"SEXY THING", filed May 3, 2002 and published for opposition in the Official Gazette on  
November 26, 2002.

Sexy Hair Concepts, LLC a California corporation having a place of business at  
9232 Eton Avenue, Chatsworth, California 91311 ("Opposer"), believes that it will be damaged  
by the registration of the mark shown in the above-identified application and hereby opposes the  
same. The grounds for opposition are as follows:

1. Australian Gold, Inc., an Indiana corporation ("Applicant"), seeks to register "SEXY THING" as a trademark for use in connection with sun tanning preparations as evidenced by the publication of said mark in the Official Gazette on November 26, 2002.

2. The application herein opposed was filed May 3, 2002 on the basis of "intent to use". Applicant claims no date earlier than May 3, 2002 for the purpose of claiming priority.

3. Opposer has, itself and through its predecessor and related companies in interest, ("Opposer") been engaged in the development, manufacture and sale of hair and skin care preparations for men, women and children and has built a successful business in connection therewith.

4. Opposer has since at least as early as June 15, 1998 used the mark "SEXY HAIR" for hair care preparations for men, women and children. Opposer has since at least as early as December 21, 1998 used such mark in commerce for such goods.

5. Use of the "SEXY HAIR" mark by Opposer has been continuous and commercially significant. Promotional material showing Opposer's use of "SEXY HAIR" is attached as Exhibit A.

6. Opposer has taken steps to protect the "SEXY HAIR" mark and has secured U.S. Trademark Registration No. 2,403,396 for such mark for the hair care preparations for men, women and children identified therein. Registration No. 2,403,396 is valid and subsisting and the copy of the pertinent information about such registration from the PTO database is attached as Exhibit B.

7. Opposer has since 1998 taken steps to develop a family of "SEXY" marks including: "SEXY HAIR CONCEPTS"; "WILD SEXY HAIR"; "BIG SEXY HAIR"; "SHORT

SEXY HAIR"; "CURLY SEXY HAIR"; "STRAIT SEXY HAIR; and "HEALTHY SEXY HAIR". Promotional material showing the "SEXY" marks of Opposer is attached as Exhibit C.

8. As part of Opposer's family of "SEXY" marks, opposer has developed and sold skin care products under the "SEXY BATH & BODY" mark. Opposer owns by assignment application serial no. 78/021,257, filed August 15, 2000, for the mark "SEXY BATH & BODY" for skin care products. Opposer has made use of the mark and filed a Statement of Use directed to the mark on November 20, 2002. A label showing such use of the mark is attached as Exhibit D.

9. Opposer has under the "SEX SYMBOL" trademark developed and sold tanning preparations. Opposer has since at least as early as January 1, 2001 used the mark "SEX SYMBOL" for hair and skin care preparations for men, women and children, including tanning preparations. Opposer has since at least as early as January 1, 2001 used the mark in commerce for such goods. Promotional materials showing such use are attached as Exhibit E.

10. Opposer has taken steps to protect the "SEX SYMBOL" mark and has secured U.S. Trademark Registration No. 2,636,664 for such mark. Registration No. 2,636,664 is valid and subsisting and the copy of the pertinent information about such registration from the PTO database is attached as Exhibit F.

11. Opposer has since prior to August 15, 2000 used "Sexy Hair" and "Sexy Hair Concepts" as trade names as well as a marks in connection with its business of developing and marketing hair care and skin care preparations, including tanning preparations.

12. Opposer's registered trademarks "SEXY HAIR" and "SEX SYMBOL", and Opposer's family of "SEXY" marks, and the "Sexy Hair" and "Sexy Hair Concepts" names

are inherently distinctive as applied to Opposer's skin care and hair care preparations and business.

13. By virtue of Opposer's continuous use in commerce of its registered "SEXY HAIR" and "SEX SYMBOL" trademarks and its family of "SEXY" marks and the "Sexy Hair" and "Sexy Hair Concepts" names in connection with such goods and business, such goods and business have become favorably known to the relevant trade and public under such marks and name.

14. Opposer is the owner of U.S. trademark registrations for both "SEXY HAIR" and "SEX SYMBOL"; accordingly, priority is not in issue.

15. In the application herein opposed, there are no restrictions on trade channels, so it must be assumed that the goods identified in the application will travel through all trade channels appropriate for goods of such type.

16. Applicant's mark as intended to be used in connection with the goods identified in the application herein opposed is confusingly similar to Opposer's registered "SEXY HAIR" and "SEX SYMBOL" trademarks and also to the family of "SEXY" marks established by Opposer, and to Opposer's "Sexy Hair" and "Sexy Hair Concepts" trade names as used in connection with Opposer's goods and business.

17. Each of the marks has as its dominant element the identical term, "SEXY", followed by a descriptive or generic designation.

18. The goods of Opposer and the goods of applicant are, in part, identical and are otherwise closely related, being hair care and skin care preparations, including tanning preparations.



19. Hair care preparations, skin care preparations and other personal health and beauty products such as are sold by Opposer and are identified in the application herein opposed are customarily sold and marketed through the same and overlapping channels of trade.

20. It is common and therefore expected for companies to use the same mark for hair care preparations and skin care preparations as part of a line of related health and beauty products, all distributed under a common mark. The following third party registrations demonstrate the related nature of hair care and skin care preparations and other health and beauty products:

Mark	Registration No.	Goods
HYDRA-DETENTE	2,659,435	Non-medicated skin care and cleaning preparations...sun products, namely, sun screen, suntanning oils and lotions, sun block, after-sun cream, self-tanning milk and cream, accelerated tanning cream; cosmetics...hair care preparations, namely, shampoo, conditioners, sprays, lotions, hair gels, mousse, masks, foams, sunscreen and hair color
I.D. INDIVIDUAL DEMANDS	2,510,582	Hair Products, namely, shampoos, conditioners, hairspray, reconstructor and Styling Preparations, styling pomade ...For Men's Preparatory Products, namely shaving cream, shaving lotion, after shave lotion...suntanning creams
BODY INVEST	2,651,844	Shampoo, conditioner, hair spray, gel and mousse, body and face moisturizers and lotions, body oils, soap, shaving cream and gel, and suntanning preparations
COSMETOTALE	2,641,616	Non-medicated suntanning preparations, namely, sun creams, sun tan gel, sun tan lotion, sun tan oil...hair shampoo, hair car preparations
JOHNSON'S ULTRA SENSITIVE and Design	2,155,403	Cosmetics and toiletries, namely, hair shampoo, skin lotion, skin cleansers, skin cream, body soap

TCB (Stylized)	1,256,544	Hair shampoo, hair conditioner, hair lotion, skin lotion, hair relaxer, hair spray
GLY SILK	2,038,351	Skin and hair care products, namely, hair shampoo, facial cleanser, body wash, hand cream, body lotion, face toner, facial peels, foot cream, sunblock, face creams, and moisturizers
PALMER'S (Stylized)	1,610,344	<i>Inter alia</i> , cocoa butter, suntan oil cream, moisturizing lotion and cream, hair shampoo and conditioners, hair color, hair holding spray, hair moisturizers
PAUL MITCHELL THE CONDITIONER and Design	1,750,932	Non-medicated hair and skin care conditioner for detangling hair, moisturizing hair, treating scalp and skin, thermal control during waving and drying, shaving lotion, skin massage and skin protein additive
NEXXUS (Stylized)	1,376,635	<i>Inter alia</i> , hair shampoo, hair conditioners, hair sprays, skin cleaning preparations, and skin conditioners
REDKEN	0,971,521	Hair conditioners, wave sets, hair sprays, permanent wave lotions, hair lighteners, hand lotions, and face and skin creams; hair shampoos and women's beauty soap

Copies of printouts from the PTO database showing the pertinent information about these registrations are attached hereto as Exhibit G.

21. The preparations marketed and sold under Opposer's registered "SEXY HAIR" and "SEX SYMBOL" trademarks and Opposer's family of "SEXY" marks, and through Opposer's "Sexy Hair Concepts" business, and the preparations intended to be sold under Applicant's "SEXY THING" mark, are such as would be sold to the same and to overlapping classes of purchasers, namely men, women and children, generally; and through the same and overlapping channels of trade.

22. Tanning products such as those identified in the application herein opposed are typically advertised in the same trade publications as hair care products and other skin care products.

23. Applicant's "SEXY THING" trademark as applied to the goods set forth in the application herein opposed so resembles Opposer's registered "SEXY HAIR" and "SEX SYMBOL" trademarks, and also Opposer's family of "SEXY" marks as applied to Opposer's products and Opposer's "Sexy Hair Concepts" name as used in connection with Opposer's business, that it is likely to cause confusion, mistake, and/or deception.

24. If Applicant is permitted to register "SEXY THING" for the goods set forth in the application, confusion of the relevant trade and public is likely to result, which will damage and injure Opposer.

25. Any defect, objection to or fault found with Applicant's goods sold under its mark "SEXY THING" would necessarily reflect on and seriously injure the reputation that Opposer has established for its goods and business.

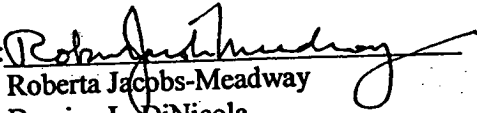
26. If Applicant is granted a registration for the mark herein opposed, it would obtain thereby at least a *prima facie* exclusive right to use the mark. Such registration would be a source of damage and injury to Opposer and Opposer's customers.

WHEREFORE, Sexy Hair Concepts, LLC prays that registration of the mark of Application Serial No. 76/403,550 be refused and that this opposition be sustained.

A duplicate copy of this Notice of Opposition is enclosed herewith.

The required fee of \$300 may be charged to Deposit Account No. 02-0755 and any overpayment may be credited to this account.

Respectfully submitted,

By:   
Roberta Jacobs-Meadway  
Damian L. DiNicola  
BALLARD SPAHR ANDREWS & INGERSOLL, LLP  
1735 Market Street, 51st Floor  
Philadelphia, Pennsylvania 19103-7599  
(215) 665-8500

ATTORNEYS FOR OPPOSER

Dated: 12/12/02

# EXHIBIT A

LATEST NEWS

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT

# ★ sexyhairconcepts

NEW! UNSHAKEABLE

NEW! FLASHY

NEW!

Go to the Sexy Hair Concepts site

SH 2185

10/11/2002

# SEXSYMBOL

LATEST NEWS

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT

★ sexyhair

Go ahead, touch it.



sex symbol :  
**aero tan**  
**INSTANT TEMPORARY  
TANNING SPRAY**

Instant temporary tanning spray  
Unique aerosol tanning formula  
an overall even tan that does not  
skin looking orange. Spray on and  
rub in. Can be used to maintain  
bronzed look.

Aero Tan does not contain sun-  
and does not protect from UV rays

Design: Kachino-Creative.com

SH 2186

10/11/2002

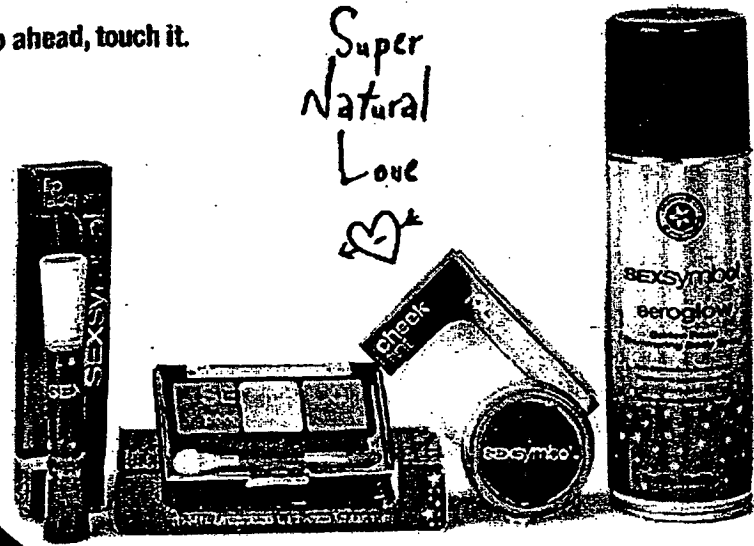
# SEXSYMBOL

LATEST NEWS

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT

Go ahead, touch it.

Super  
Natural  
Love  
♡



sex symbol :

The Super Natural Love Collect Sex Symbol unites pure beauty the true essence of being in love.

Intensify genuine beauty and existing makeup with Sex Sym Super Natural Love. This color returns to pure sensuality and inn that comes from life's firsts — love and desire.

Sex Symbol's Super Natural Love allows anyone to easily go from ordinary to extraordinary!

Design: MacChino-Creativa.com

SH 2187




LATEST NEWS

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT ★ sexyhair

# new!

Go ahead, touch it.



**wild sexy hair :**

Take a walk on the wild side.  
This new WILD line of products  
brings fun and style into one.

Take long, short, curly or straight  
hair from bland to wild instantly.

Design: KachinoCreative.com

SH 2188

big sexy hair

PROPERTY OF MICHAEL O'ROURKE

LATEST NEWS

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT ★ sexyhair

Go ahead, touch it.



big sexy hair :

Specifically designed to add, support and enhance maximum fullness and body to the hair while maintaining moisture and protecting hair color from fading

Design: EzChino-Creative.com

SH 2189

10/11/2002

short sexy hair

PROPERTY OF MICHAEL O'ROURKE

LATEST NEWS:

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT ★ sexyhair

Go ahead, touch it.



short sexy hair :

Offers dual action products specially made for short hair to achieve the ultimate stylish look. The products can be combined together to create a unique, individual style.

Design: MaChing-Creative.com

SH 2190

# curly sexy hair

PROPERTY OF MICHAEL O'ROURKE

LATEST NEWS

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT

★ sexyhair

Go ahead, touch it.



curly sexy hair :

Specifically designed with innovative ingredients to create and support curls of all kinds.

Design: KicChulo-Creative.com

SH 2191

# straight sexy hair

LATEST NEWS

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT ★ sexyhair

Go ahead, touch it.



straight sexy hair :

Formulated to relax, temporarily straighten and protect hair from heat styling. These products act out humidity to keep hair straight, smooth and frizz-free all day.


©2002, No Child-Creative.com

SH 2192

Latest News

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT ★ sexyhair

Go ahead, touch it.



healthy sexy hair :

Big Sexy Hair just got Bigger. It is being taken to the next level. exciting new styling products create volume not just at the roots but the ends of hair. Two fabulous finishing products support your "Big" look. Additionally, all of the products maintain moisture in the hair.

Big Sexy Hair products are specifically formulated to build volume in all hair types, especially in fine and thinning hair.

Design: Paolino-Creative.com


SH 2193

**wild sexy hair**  
PROPERTY OF MICHAEL O'ROURKE

LATEST NEWS:

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT ★ **sexyhair**

**Go ahead, touch it.**



**wild sexy hair :**

Take a walk on the wild side.  
This new WILD line of products  
brings fun and style into one.

Take long, short, curly or straight  
hair from bland to wild instantly.

Design: MacQuinn-Creative.com

SH 2194

# EXHIBIT B

SH 2195





## UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Dec 12 04:10:42 EST 2002

[PTO HOME](#) [TRADEMARK](#) [TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [BOTTOM](#) [HELP](#)

Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

**Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

**Word Mark** SEXY HAIR  
**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: Hair care products for men, women and children, namely hair shampoos, hair conditioners, hair lotions, hair cremes, hair gels, hair sprays, hair color, hair dyes, hair rinses, hair mousse. FIRST USE: 19980615.  
FIRST USE IN COMMERCE: 19981221

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75634213

**Filing Date** February 5, 1999

**Published for Opposition** August 22, 2000

**Registration Number** 2403396

**Registration Date** November 14, 2000

**Owner** (REGISTRANT) Ecoly International, Inc. CORPORATION CALIFORNIA 9232  
Eton Avenue Chatsworth CALIFORNIA 91311

**Attorney of Record** Roberta Jacobs-Meadway

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAIR" APART  
FROM THE MARK AS SHOWN

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

SH 2196

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<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">TOP</a>	<a href="#">HELP</a>
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SH 2197

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 12/12/2002 11:57:23 ET

Serial Number: 75634213

Registration Number: 2403396

Mark (words only): SEXY HAIR

Current Status: Registered.

Date of Status: 2000-11-14

Filing Date: 1999-02-05

Registration Date: 2000-11-14

Law Office Assigned: TMEG Law Office 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2002-10-18

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**CURRENT APPLICANT(S)/OWNER(S)**

---

1. Ecoly International, Inc.

**Address:**

Ecoly International, Inc.

9232 Eton Avenue

Chatsworth, CA 91311

United States

State or Country of Incorporation: California

Legal Entity Type: Corporation

---

**GOODS AND/OR SERVICES**

---

Hair care products for men, women and children, namely hair shampoos, hair conditioners, hair lotions, hair cremes, hair gels, hair sprays, hair color, hair dyes, hair rinses, hair mousse

International Class: 003

First Use Date: 19980615

First Use in Commerce Date: 19981221

Basis: 1(a)

SH 2198

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**ADDITIONAL INFORMATION**

---

**Disclaimer: "HAIR"**

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**PROSECUTION HISTORY**

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2000-11-14 - Registered - Principal Register  
2000-08-22 - Published for opposition  
2000-07-21 - Notice of publication  
2000-06-03 - Approved for Pub - Principal Register (Initial exam)  
1999-12-14 - Letter of suspension mailed  
1999-10-18 - Communication received from applicant  
1999-08-17 - Non-final action mailed  
1999-08-04 - Case file assigned to examining attorney  
1999-07-30 - Case file assigned to examining attorney

---

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**CONTACT INFORMATION**

---

**Correspondent (Owner)**  
Roberta Jacobs-Meadway (Attorney of record)

ROBERTA JACOBS-MEADWAY  
AKIN GUMP STRAUSS HAUER & FELD LLP  
ONE COMMERCE SQ STE 2200  
2005 MARKET ST  
PHILADELPHIA PA 19103  
United States

---

SH 2199

# EXHIBIT C

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT

022

# ★ sexyhairconcepts

NEW!!

NEW!! UNSHAKEABLE

NEW!! FLASITY

Latest News

Put a star in your hair

SH 2201

10/11/2002


WILD SEXY HAIR

PROPERTY OF MICHAEL O'ROURKE

LATEST NEWS:

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT ★ sexyhair

Go ahead, touch it.



wild sexy hair :

Take a walk on the wild side.  
This new WILD line of products  
brings fun and style into one.

Take long, short, curly or straight  
hair from bland to wild instantly!

Design: BoChina-Creative.com

SH 2202

big sexy hair

PROPERTY OF MICHAEL O'ROURKE

LATEST NEWS

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT ★ sexyhair

Go ahead, touch it.



big sexy hair :

Specifically designed to add, support and enhance maximum fullness and body to the hair while maintaining moisture and protecting hair color from fading.

Design: BuChinoCreative.com

SH 2203



# short sexy hair

PROPERTY OF MICHAEL O'Rourke

LATEST NEWS

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT ★ sexyhair

Go ahead, touch it.



short sexy hair :

Offers dual action products specially made for short hair to achieve the ultimate stylish look. The products can be combined together to create a unique, individual style.

© 2002, P&H Creative.com

SH 2204

# curly

PROPERTY OF MICHAEL O'ROURKE

# hair

LATEST NEWS

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT

★ sexyhair

Go ahead, touch it.



curly sexy hair :

Specifically designed with innovative ingredients to create and support curls of all kinds.

Design: PoChino-Creative.com

SH 2205

# straight hair

LATEST NEWS

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT ★ sexyhair

Go ahead, touch it.



straight sexy hair :

Formulated to relax, temporarily straighten and protect hair from heat styling. These products also protect hair from humidity to keep hair straight, smooth and frizz-free all day.

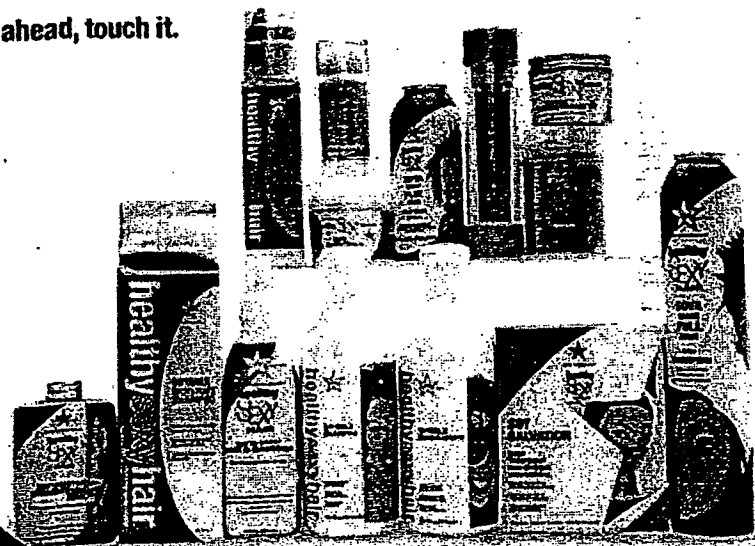
Design: Potchko-Creative.com

SH 2206

10/11/2002

healthy sexy hair

Go ahead, touch it.



healthy sexy hair :

Big Sexy Hair just got Bigger. V is being taken to the next level exciting new styling products c volume not just at the roots but the ends of hair. Two fabulous finishing products support your "Big" look. Additionally, all of ti products maintain moisture in l

Big Sexy Hair products are spe ulated to build volume in all ha especially in fine and thinning l

Design: Patching-Creative.com

SH 2207

# EXHIBIT D

QW.M.N.

RASPBERRY  
TRUFFLE

BODY CLEANSER

LOTION PURIFIANTE  
POUR LE CORPS

TONIFIQUANT CORPOREL

BODY CLEANSER

10.5 fl oz (300 ml) e



sexybath&body

PROPERTY OF MICHAEL O'ROURKE

**RASPBERRY TRUFFLE BODY CLEANSER**

**DIRECTIONS:** Wet body; smooth over skin and rinse thoroughly. Use a sponge for thorough lather.

**MODE D'EMPLOI:** Appliquez sur la peau humide et rincer abondamment. Utiliser une éponge pour obtenir une mousse abondante.

**APLICACIÓN:** Moje su cuerpo entero, espere y el tonificante sobre la piel y enjuague con agua.

**ANWENDUNG:** Seift auf dem nassen Körper verteilen oder mit einem Schwamm reichlich ligen Schaum erzeugen - und gut abspülen.

**INGREDIENTS:** Water (Aqua), Sodium Lauryl Sulfate, Sodium Laureth Sulfate, Cocamide DEA, Polyquaternium-7, Cocamidopropyl Betaine, Fragrance (Parfum), Aloe Barbadensis (Aloe Vera) Leaf Juice, Rubus Idaeus (Raspberry) Fruit Extract, Kelp Extract (Macrocystis Pyrifera), Cyrtopodium Pubescens (Lily's Slipper) Extract, Angelica Archangelica Root Extract, Tocopheryl Acetate (Vitamin E Acetate), Retinyl Palmitate (Vitamin A Palmitate), Yohimbinolide (Yohimbin) Extract, Theobroma Cacao (Cocoa) Seed Butter, Panthenol (Pro-Vitamin B5), Sodium Chloride, Red 33, Methylchlorothalonate, Citric Acid.



46630 00131

Manufactured for Sexy Hair Concepts  
800-949-3383 made in the U.S.A.  
Chatsworth, CA 91311 Harnstead, London  
NW3 UK [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com)


# EXHIBIT E

# SEXSYMBOL

LATEST NEWS

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT ★ sexyhair

Go ahead, touch it.



sex symbol :

## aero tan

**INSTANT TEMPORARY  
TANNING SPRAY**

Instant temporary tanning spray  
Unique aerosol tanning formula  
an overall even tan that does not  
skin looking orange. Spray on and  
rub in. Can be used to maintain  
bronzed look.

Aero Tan does not contain sun-  
and does not protect from UV rays

Design: Euclypsa-Creative.com

SH 2211



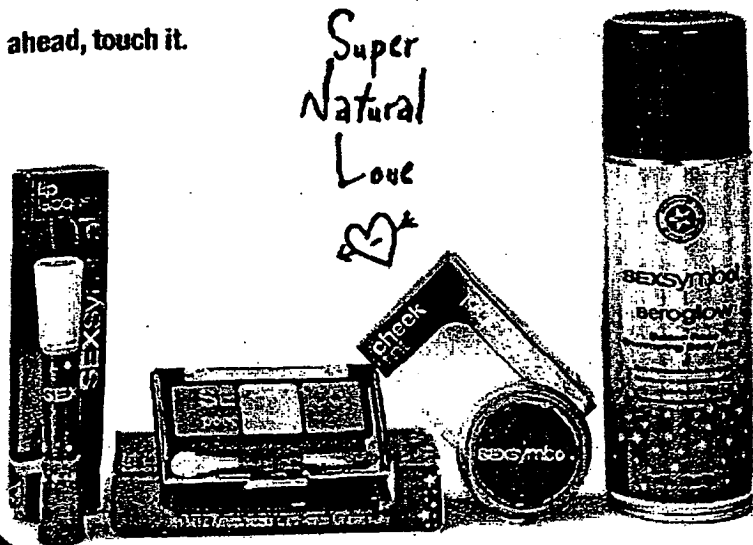
# SEXSymbol

LATEST NEWS

HOME | ABOUT | IN THE NEWS | NEW → | PRODUCTS | WHERE TO BUY | CONTACT

Go ahead, touch it.

Super Natural Love



sex symbol :

The Super Natural Love Collect Sex Symbol unites pure beauty the true essence of being in love

Intensify genuine beauty and existing makeup with Sex Sym Super Natural Love. This color returns to pure sensuality and inn that comes from life's firsts — love and desire.

Sex Symbol's Super Natural Love allows anyone to easily go from ordinary to extraordinary!

Design: Psychology-Creative.com

SH 2212

# EXHIBIT F

SH 2213



## UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Dec 12 04:10:42 EST 2002

[PTO HOME](#) [TRADEMARK](#) [TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [BOTTOM](#) [HELP](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1****Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing****Word Mark** SEXSYMBOL**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: cosmetics, namely, lipstick and lip gloss, nail polish, mascara, eyeliner and foundation, and hair care products for men, women, and children, namely, shampoos, conditioners, hair lotions, hair conditioning creams, hair gels, hair sprays, hair color, hair tint and hair mousse. FIRST USE: 20010100. FIRST USE IN COMMERCE: 20010100**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 76132497**Filing Date** September 21, 2000**Filed ITU** FILED AS ITU**Published for Opposition** May 22, 2001**Registration Number** 2636664**Registration Date** October 15, 2002**Owner** (REGISTRANT) Ecoly International, Inc. CORPORATION CALIFORNIA 9232 Eton Avenue Chatsworth CALIFORNIA 91311**Assignment Recorded** ASSIGNMENT RECORDED**Attorney of Record** JAY K MEADWAY**Type of Mark** TRADEMARK**Register** PRINCIPAL

SH 2214

**Live/Dead  
Indicator**      **LIVE**

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<a href="#">PTO HOME</a>	<a href="#">TRADEMARK</a>	<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">TOP</a>	<a href="#">HELP</a>
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**SH 2215**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 12/12/2002 12:04:15 ET

Serial Number: 76132497

Registration Number: 2636664

Mark (words only): SEXSYMBOL

Current Status: Registered.

Date of Status: 2002-10-15

Filing Date: 2000-09-21

Registration Date: 2002-10-15

Law Office Assigned: TMO Law Office 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 651 -Publication And Issue

Date In Location: 2002-11-27

---

**CURRENT APPLICANT(S)/OWNER(S)**

---

1. Ecoly International, Inc.

**Address:**

Ecoly International, Inc.  
9232 Eton Avenue  
Chatsworth, CA 91311  
United States

**State or Country of Incorporation:** California

**Legal Entity Type:** Corporation

---

**GOODS AND/OR SERVICES**

---

cosmetics, namely, lipstick and lip gloss, nail polish, mascara, eyeliner and foundation, and hair care products for men, women, and children, namely, shampoos, conditioners, hair lotions, hair conditioning creams, hair gels, hair sprays, hair color, hair tint and hair mousse

**International Class:** 003

**First Use Date:** 20010100

**First Use in Commerce Date:** 20010100

**Basis:** 1(a)

SH 2216

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=76132497>

12/12/2002

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2002-10-15 - Registered - Principal Register  
2002-07-26 - Allowed for Registration - Principal Register (SOU accepted)  
2002-07-03 - Communication received from applicant  
2002-07-03 - PAPER RECEIVED  
2002-06-07 - Non-final action mailed  
2002-05-06 - Previous allowance count withdrawn  
2002-05-06 - Allowed for Registration - Principal Register (SOU accepted)  
2002-02-14 - Statement of use processing complete  
2002-02-14 - Amendment to Use filed  
2001-08-14 - Notice of allowance - mailed  
2001-05-22 - Published for opposition  
2001-05-09 - Notice of publication  
2001-02-27 - Approved for Pub - Principal Register (Initial exam)  
2001-02-23 - Case file assigned to examining attorney

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**CONTACT INFORMATION**

---

**Correspondent (Owner)**  
JAY K MEADWAY (Attorney of record)

JAY K MEADWAY  
AKIN GUMP STRAUSS HAUSER & FELD LLP  
1 COMMERCE SQ  
2005 MARKET ST FL 22  
PHILADELPHIA PA 19103-7014  
United States

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SH 2217

# EXHIBIT G



## UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Dec 12 04:10:42 EST 2002

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE Dict	BOTTOM	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				



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List At:  OR  to record:  Record 4 out of 946**Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing****Word Mark** HYDRA-DETENTE**Translations** APPLICANT SUBMITS THAT "HYDRA" IS THE ABBREVIATION OF THE WORD MEANING "MOISTURIZING" AND THE ENGLISH TRANSLATION OF THE WORD DETENTE IS "RELAXATION".**Goods and Services**

IC 003. US 001 004 006 050 051 052. G & S: Non-medicated skin care and cleaning preparations, namely, cream, milk, lotion, serum, gel, fluid, and oil for moisturizing the body, face and eyes; non-medicated cellulite-reducing skin lotions and skin gels; cleansing, moisturizing, anti-aging, and non-medicated anti-wrinkle facial masks; non-medicated moisturizing lip masks; anti-wrinkle cream for eyes; massage oil; talcum powder; sun products, namely, sun screen, suntanning oils and lotions, sun block, after-sun cream, self-tanning milk and cream, accelerated tanning cream; cosmetics, namely, skin soap, make-up remover, lip and eye make-up remover, nail polish, dentifrices, depilatories, liquid foundation, tinted skin creams, make-up, powder and cream blusher, lipstick, mascara, eye shadow, eye-liner pencil; perfumes, namely, perfumed water, toilet water, cologne water, scented water, perfumed talcum powder, perfumed skin cream, perfumed body oils, perfumed skin cleansing foam, essential oils for personal use; perfumed bath products, namely, body lotions, body powder, body oils and personal deodorants; hair care preparations, namely, shampoo, conditioners, sprays, lotions, hair gels, mousse, masks, foams, sun screen and hair color; Non-medicated skin care and cleaning preparations, namely, cream, milk, lotion, serum, gel, fluid, and oil for moisturizing the body, face and eyes; non-medicated cellulite-reducing skin lotions and skin gels; cleansing, moisturizing, anti-aging, and non-medicated anti-wrinkle facial masks; non-medicated moisturizing lip masks; anti-wrinkle cream for eyes; massage oil; talcum powder; sun products, namely, sun screen, suntanning oils and lotions, sun block, after-sun cream, self-tanning milk and cream, accelerated tanning cream.



cosmetics, namely, skin soap, make-up remover, lip and eye make-up remover, nail polish, dentifrices, depilatories, liquid foundation, tinted skin creams, make-up, powder and cream blusher, lipstick, mascara, eye shadow, eye-liner pencil; perfumes, namely, perfumed water, toilet water, cologne water, scented water, perfumed talcum powder, perfumed skin cream, perfumed body oils, perfumed skin cleansing foam, essential oils for personal use; perfumed bath products, namely, body lotions, body powder, body oils and personal deodorants; hair care preparations, namely, shampoo, conditioners, sprays, lotions, hair gels, mousse, masks, foams, sun screen and hair color

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**Attorney of Record** Elizabeth H. Cohen  
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PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	TOP	HELP	PREV LIST
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